



PLANNING & TRANSPORTATION COMMISSION MINUTES

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Wednesday, May 11, 2005
REGULAR MEETING at 7:00 PM
Council Conference Room
Civic Center, 1st Floor
250 Hamilton Avenue
Palo Alto, California 94301

ROLL CALL: 7:02 PM

Commissioners:

Phyllis Cassel – Chair

Bonnie Packer – V-Chair

Lee I. Lippert

Karen Holman

Patrick Burt

Michael Griffin

Annette Bialson – conflicted (absent)

Staff:

Lisa Grote, Chief Planning Official

Don Larkin, Senior Deputy City Attorney

John Lusardi, Planning Manager, Special Projects & ZOU

Curtis Williams, Consultant

Zariah Betten, Executive Secretary

AGENDIZED ITEMS:

CIP Recommendations.

Zoning Ordinance Update: Consideration of Revised Chapter 18.24.

APPROVAL OF MINUTES: Minutes of April 13, 2005.

Chair Cassel: I would like to call the meeting of the Planning and Transportation Commission to order for the meeting of Wednesday, May 11, 2005. Would the Secretary please take the roll? Thank you.

If everyone would please use the updated agenda it has been announced properly and changed slightly.

Is there anyone who wishes to speak in Oral Communications? If you do please bring a card forward to the Secretary.

ORAL COMMUNICATIONS. Members of the public may speak to any item not on the agenda with a limitation of three (3) minutes per speaker. Those who desire to speak must complete a speaker request card available from the secretary of the Commission. The Planning and Transportation Commission reserves the right to limit the oral communications period to 15 minutes.

1 Chair Cassel: Having no Oral Communications card we will go on to the next item. I will close
2 that item and go on to the Consent Calendar.
3
4 *CONSENT CALENDAR*. Items will be voted on in one motion unless removed from the calendar
5 by a Commission Member.
6
7 Chair Cassel: We have no items on the Consent Calendar.
8
9 *AGENDA CHANGES, ADDITIONS AND DELETIONS*. The agenda may have additional items
10 added to it up until 72 hours prior to meeting time.
11
12 Chair Cassel: We have no Agenda changes and deletions.
13
14 We have some Old Business. Under that we have the CIP Recommendation. This is listed as a
15 public hearing. I have no one here to speak to that item. I would like to bring that to the
16 Commission and I believe we have a report from the committee.
17
18 *OLD BUSINESS:*
19 *Public Hearings.*
20
21 CIP Recommendations.
22
23 Chair Cassel: Who would like to speak?
24
25 Commissioner Burt: At your places is a summary statement that the subcommittee was asked to
26 compose at our last meeting. There are just a couple of typos that you may notice and we will
27 clean those up prior to submission to the Council. So I don't know if the Commissioners have
28 had a chance to review it and see if it represents their consensus view on the overview aspects
29 that we discussed at our last meeting.
30
31 Chair Cassel: You have changed the wording. Would you like to say what the changes are?
32
33 Commissioner Burt: Changed the wording?
34
35 Chair Cassel: For this from the other one.
36
37 Commissioner Holman: This is an addendum to the other. This is, pardon me for speaking out
38 of turn here, this is an addendum to the other because we have these other additional concerns
39 that Commissioner Lippert, Commissioner Burt and I had raised regarding budgeting overall.
40
41 Commissioner Burt: I think Chair Cassel might have been referring to the fact that they have
42 received two copies and what were the differences between those, the version earlier today and
43 the final version. Is that correct?
44
45 Chair Cassel: Well that is one and the other was since you gave the other report last week I was
46 wondering what you had added or changed.
47

1 Commissioner Burt: I don't know if you recall the minutes from the last meeting and the
2 discussion. We presented orally some concerns over some broad issues associated with the CIP.
3 The Commission asked the subcommittee to compose those and bring them to this meeting. That
4 is what we have done here.

5

6 Chair Cassel: Has everyone had a chance to read this?

7

8 Commissioner Griffin: No.

9

10 Chair Cassel: I see at the bottom here you have written in, I didn't notice this earlier, the
11 consideration of the above comments and the attached report Planning and Transportation
12 determines the CIP to be consistent with the Comprehensive Plan.

13

14 Commissioner Burt: Yes.

15

16 Chair Cassel: So then are you going to move that we forward these two items to City Council?

17

18 Commissioner Burt: Yes, the prior report along with this as essentially a cover sheet.

19

20 Chair Cassel: Okay, let's give people a chance to read it. The meeting is live on the television
21 from here.

22

23 Commissioner Burt: The on-air light is off. Are you sure?

24

25 Chair Cassel: Has everyone read this? Do you have any questions?

26

27 Commissioner Lippert: I want to make a couple of comments. First of all, I would like to
28 apologize. I need to correct my comments from the last hearing. There were some inaccuracies
29 that I had brought before both the subcommittee as well as Staff and the Planning and
30 Transportation Commission with regard to Title 24 American Disabilities Act as well as
31 seismically upgrading. That needs to be corrected in our final recommendations. I did some
32 research and there actually are more stringent requirements necessary in upgrading public
33 facilities and that falls under Title 3 of the ADA in which not just the 20% rule but all 100% has
34 to be made accessible. So that represents a rather large ticket item by itself. Number two, with
35 regard to seismically upgrading a couple of facilities yes the 50% rule applies but they have to be
36 brought up not to 1973 standards but to current standards when there are seismic upgrades
37 performed. That also represents a rather large amount to swallow. So I see the CIP probably in
38 even more jeopardy of not being 100% completed in terms of ...

39

40 Chair Cassel: You could speak up so we could hear in this mike.

41

42 Commissioner Lippert: Well, I hope it has caught what I said but the gist of it is that I think that
43 those numbers are going to be rather short.

44

45 Chair Cassel: So your comments are that there needs to be an amendment to the original report
46 indicating that ADA must meet Title 3 requirements as well as Title 24 which increases the costs
47 and that, you will need to word this for me again, that all of the project must meet the ADA

1 requirements not just part of the project meeting the ADA requirements when it is a public
2 facility.

3
4 Commissioner Lippert: Correct.

5
6 Chair Cassel: That needs to go into our report to City Council to correct what you said and to
7 reflect that correctly.

8
9 Commissioner Lippert: Correct.

10
11 MOTION

12
13 Commissioner Burt: Well we can still have further discussion. I would like to go ahead and
14 move that this cover summary sheet be attached to the report that was provided to the
15 Commission authored by Commissioner Holman at our last meeting along with the corrections
16 that Commissioner Lippert just stated and that those items be forwarded to the Council as the
17 Commission report.

18
19 Chair Cassel: Is there a second? I have a motion on the floor can I have a second?

20
21 SECOND

22
23 Commissioner Griffin: I'll second.

24
25 Chair Cassel: Thank you. Did you want to speak to it, Pat?

26
27 Commissioner Burt: No, I don't think I need to. I would be glad to answer questions from
28 Commissioners if they have any.

29
30 Chair Cassel: Did you want to speak to it?

31
32 Commissioner Griffin: I did not.

33
34 Chair Cassel: Okay, Bonnie go ahead.

35
36 Vice Chair Packer: All I am going to say is that I am not going to participate in the vote because
37 I missed the discussions that the Commission had on this item. Even though I have been on the
38 CIP committee for past years I need to not participate in this one.

39
40 Chair Cassel: Thank you, Bonnie. Karen.

41
42 Commissioner Holman: I had a question and perhaps it is for Commissioner Lippert and
43 certainly for City Staff regarding seismic. In the research that you did I know that maybe Staff
44 can help with this too historic buildings can use state historic building code. I don't know what
45 level or how I guess it is Title 3 for public buildings, is that correct? That is just ADA though.

46
47 Commissioner Lippert: Correct.

1 Commissioner Holman: I don't know how public buildings are or are not affected by that which
2 could also certainly affect cost of implementation of seismic retrofit of buildings.

3
4 Ms. Lisa Grote, Chief Planning Official: I would need to check with Fred Herman on that. He is
5 the one who oversees.

6
7 Mr. Don Larkin, Senior Deputy City Attorney: I was just going to say that we are well beyond
8 the scope of consistency with the Comprehensive Plan and if the Commission would like to
9 address this question during Commission Questions that would be the appropriate time.

10
11 Chair Cassel: Thank you. Is there anything else in relationship to the consistency with the
12 Comp Plan?

13
14 Commissioner Lippert: I think that I am not in support of this document, this cover sheet. Part
15 of it is that I think it is I think a little verbose. I think that we can just simply forward the report
16 that we had drafted previously with the amendments that I had stated a little while ago and just
17 say that we believe that the CIP to be consistent with the Comprehensive Plan. That is all that
18 we were really asked to do here was to review those projects and make sure that they were
19 consistent.

20
21 Commissioner Burt: I would just like to say the only reason that we went through this exercise is
22 because we were specifically requested to do so by the Commission. We have the minutes in
23 front of us where Chair Cassel had requested us to summarize the statements that we had
24 provided about these same generalities and asked if we would put them in writing to be
25 addressed at this meeting. So that was with consent of the Commission. If there were any
26 objections I think last meeting was the time to make it so that Commissioners don't go through
27 long exercises needlessly.

28
29 Chair Cassel: I am sorry I didn't see the minutes that indicated we wanted something in
30 summary. We needed a statement to say that this Planning and Transportation Commission
31 determines the CIP to be consistent. I didn't do that.

32
33 So what you are feeling is that this statement is a summary of what you said last week.

34
35 Commissioner Burt: Correct.

36
37 Chair Cassel: The part that is here is that you indicate that after 70% reduction of capital funds
38 available meaning that many programs that were previously anticipated to be accomplished in
39 2000 will not be achieved during the lifetime of the Comp Plan.

40
41 Commissioner Lippert: But we are not asked to do that.

42
43 Chair Cassel: Well, we are allowed to make comments. The Staff's report did in fact ask us to
44 make comments. I didn't think we were either but if the Staff Report, which I think, I loaned to
45 you did in fact say that they were supposed to make comments on the finances. So we did do it.
46 It is interesting what should be such a simple process. So we needed to review it and we have to
47 make sure that it is consistent with the Comprehensive Plan, I will state it isn't.

1 Commissioner Lippert: It is I just don't think it is achievable.
2
3 Chair Cassel: Well that we can say.
4
5 Commissioner Burt: Where this goes into an explanation of why we believe it is not achievable.
6
7 Chair Cassel: I think it does that. Does that make sense?
8
9 Commissioner Lippert: It does. I still think that this a little verbose.
10
11 MOTION PASSED (5-0-1-1, Commissioner Packer abstained and Commissioner Bialson
12 absent)
13
14 Chair Cassel: Well, but they worked hard on it. Any other comments? Then I will call a vote.
15 All those in favor please say aye. (ayes) Opposed?
16
17 Vice Chair Packer: One abstention.
18
19 Chair Cassel: That vote passed with five yes, one abstention and one absence. Commissioner
20 Packer being the person abstaining and Commissioner Bialson being the one absent. Thank you
21 very much for a hard job. I know this is both interesting and challenging to do that job.
22
23 The next item on the agenda is New Business. It is a Zoning Ordinance Update. Consideration
24 of Revised Chapter 18.24 of the Zoning Ordinance to Amend Provisions of the Office, Research
25 and Light Manufacturing, Medical Office and Medical Research, Research, Office and Limited
26 Manufacturing, Research Park and General Manufacturing Districts and Sub-districts, and
27 Related Definitions in Chapters.
28
29 This item I have a conflict with and it needs to be discussed in two pieces. We are going to do
30 the Stanford item first, the items west of El Camino first, because state law says we must do it
31 that way. It seem logical all of us should be participating in the west half or east half and then
32 we would discuss the differences and state law doesn't allow us to do it that way. So what we
33 are going to do is do both the public hearing and the whole hearing for the areas west of El
34 Camino first. I will not be in the room. I will not be hearing anything that is going on. Anyone
35 who wishes to speak to that item should fill out a card, turn it in to Zariah who at the moment is
36 standing at the back keeping careful watch over us, and she will then forward the cards to Bonnie
37 Packer who will Chair that item. If you wish to speak to the items that are on the east side of El
38 Camino then you will complete a card later. If you wish to speak twice you will be able to do so
39 if that seems more appropriate.
40
41 So all of the items will be discussed first, Bonnie will Chair it and I will leave the room. Thank
42 you very much and have fun.
43
44 Vice Chair Packer: Thank you Phyllis. Just to make sure everybody understands this bifurcated
45 evening tonight we will consider the zoning districts that are west of El Camino Real first. Staff
46 has, from what I can tell from the PowerPoint summary, Staff has prepared a presentation that
47 will divide it in that way. So these are the Office Research, the RP and the MOR, Medical
48 Office Research and the Research Park, which are the zones that are west of El Camino. When

1 we come to the public I will remind you again that if you have a comment that addresses those
2 zones now is the time to do it because when we come back to address all the zones that are east
3 of El Camino Real we cannot talk about issues that affect Stanford lands which are the MOR and
4 RP districts. So as you are thinking about the comments that you want to make remember that
5 we are going to be bifurcated.

6
7 So first we will have the presentation from Staff on the districts west of El Camino Real.

8
9 *NEW BUSINESS:*

10 *Public Hearings.*

11
12 Zoning Ordinance Update: Consideration of Revised Chapter 18.24 of the Zoning Ordinance to
13 Amend Provisions of the Office, Research and Light Manufacturing ("Medical Office and
14 Medical Research," "Research, Office and Limited Manufacturing," Research Park," and
15 "General Manufacturing") Districts and Sub-districts, and Related Definitions in Chapter 18.04
16 of the Zoning Ordinance, and Deleting Current Chapters 18.37, 18.55, 18.60, 18.63 and 18.64 of
17 the Current Zoning Ordinance.

18
19 Mr. Curtis Williams, Consultant: Thank you. The Council as I think you all know heard this
20 issue last in October of last year. They did provide some very specific direction and made some
21 determinations on the ordinance. The first item was that they deleted the limitations on office
22 use in the Research Park zone. You may recall that the Commission had a recommendation to
23 limit office uses to 25% consistent with Stanford's policy. The Council directed that we delete
24 that from the ordinance but that Staff monitor the office use in the Research Park and come back
25 to them if there seems to be some substantial increase in that for future consideration.

26
27 Secondly, they deleted the term 'within a medical office' from the definition of Medical
28 Research so that it does not have to be specifically just a small part of a medical office that
29 medical research can stand on its own.

30
31 Thirdly, we had recommended I don't recall if it was a 50 foot setback for the increase in height
32 of 35 to 40 feet to accommodate the biotech interstitial space in particular and the Commission
33 had recommended allowing that increase to 40 feet from 35 but with I believe it was a 50 foot
34 setback. The Council directed that we should have a 150-foot setback from any residential
35 property consistent with some of our other transition requirements that we have that are 150 feet.

36
37 Then a couple of directions. One was to consider possible incentives for medical office in the
38 medical office and medical research zone, which is essentially the office research zone today
39 around the Stanford Hospital Medical Center but not at the expense of medical research. Just to
40 look at whether there were some incentives we would suggest for trying to retain that medical
41 office.

42
43 And lastly to return to them then with recommendations as far as residential and mixed use
44 development in these zones and applicable performance standards.

45
46 So I am going to take you through first those issues as they apply to the lands west of El Camino
47 Real, which is essentially the Stanford lands and comprise the medical office and medical

1 research zone and the research park zone, which is essentially coterminous with the Stanford
2 Research Park.

3
4 First as far as residential and mixed use development goes Staff is recommending that single
5 family and two family residential not be permitted in the zone as we feel it is incompatible and
6 takes up a lot of space that we need to protect for those kinds of uses. Secondly, that we
7 continue to allow though multi-family use in the zone. As far as residential and commercial
8 mixed use again with concern about compatibility on the same site we have suggested that that
9 mix not be permitted in these zones. Other non-residential mixed use is essentially already
10 permitted by the regulations that you have that allow for some retail, personal services and those
11 kinds of uses with conditional use permits all subject to the maximum floor area ratios and other
12 requirements.

13
14 The increased height as I mentioned the Council did discuss this issue it would have allowed
15 increase in height in the RP, and then we will be talking about the ROLM districts later, to a total
16 of 40 feet rather than 35 feet so a five foot increase. It would be allowed for the use of interstitial
17 space only where that applied. It would still be limited to two habitable floors and there would
18 be a 150-foot setback from residential properties. We have developed this diagram to help
19 understand what that means. The top row of buildings is residential, it could be a single family,
20 or in this case showing a multi-family building then an industrial or office research building set
21 back from that it would be 35 feet and that you couldn't get up to the 40 foot limit until you were
22 at least 150 feet back. That gives you a little sense of what that scale is relative to building sizes.
23 The bottom row of buildings sort of shows that again with a little more design features to it and
24 the diagram on the right side is just illustrative of how the interstitial space would work which
25 typically is anywhere from seven to nine feet or so although that varies. That space is used again
26 for generally housing mechanical and electrical equipment and various needs of the research and
27 development or biotech industries.

28
29 Performance criteria, we have an existing chapter. It has some performance criteria for industrial
30 and commercial uses. It deals with lighting, visual, noise and site access impacts. Our
31 recommendation tonight is to continue to use that and not delete that at this point and replace it.
32 We are in the process of developing a chapter to replace that will cover all industrial uses, all
33 commercial uses and it would apply as we come forward to you with the commercial zones for
34 that as well in terms of some enhanced standards for these types of things as well as additional
35 landscape screening and sustainable issues and the kind of things that we discussed a little bit
36 with you in the multi-family chapter. So we would be developing a chapter to replace that 18.64
37 in the Zoning Ordinance.

38
39 The issue of trying to provide incentives for medical office is a difficult one. We understand
40 there is a concern about trying to retain those and we think we have done as much as we can
41 within the ordinance in terms of allowable uses. You will recall that we had a very extensive
42 discussion about in that zone around the hospital basically the two permitted uses are medical
43 offices and medical research and then any other kind of use that is permitted there is a
44 conditional use permit only. So we don't believe that additional incentives are necessary and
45 that if we try to provide zoning incentives which would typically take the form of increased floor
46 area or reduced parking or something like that but in addition to the impacts those might have
47 that they would be very hard to enforce in terms of the use changing in one of those buildings.
48 So if some kind of bonus or whatever were granted for the medical office use and then it

1 converted to a research and development at some point in time you couldn't very well take the
2 square footage away or make additional requirements there.

3
4 So our suggestion as far as a motion on this portion of the ordinance goes is that the Commission
5 recommend to the Council adoption of the revised definitions in the ordinance and approval of
6 the new Chapter 18.20 as it pertains specifically to the medical office research zone, the research
7 park zone and the research park(5) zone and then deleting the corresponding existing OR, LM
8 and LM(5) districts. Then we will come back in a bit and talk about the lands east of El Camino.

9
10 Vice Chair Packer: Okay, before we go to the public are there any specific questions that
11 Commissioners would like to ask Staff now would you like to wait until after we hear from the
12 public? Michael.

13
14 Commissioner Griffin: Curtis, if I understand what you are telling us Council has basically
15 preempted our discussion of these first three items on page one of the Staff Report where it talks
16 about City Council's direction on the following and you have these three items. We cannot
17 revisit these?

18
19 Mr. Williams: I think that is generally correct. Obviously this is still a recommendation from
20 the Commission so I assume that legally you could do that but the Council has made these
21 preliminary determinations pending receipt of the whole ordinance for adoption. I don't know if
22 Don has anything additional. He is nodding so I guess that is the appropriate interpretation.

23
24 Commissioner Griffin: So basically that leaves us to discuss items four and five.

25
26 Mr. Williams: Correct.

27
28 Commissioner Burt: Michael, I would say on that while I am not sure that I have any problem
29 with the Council's recommendations I just on a matter of practice my outlook is that we receive
30 Council's input that they have a very strong inclination to want to go in this direction but I don't
31 think that prohibits the Commission from speaking on that subject. Or if we still feel strongly
32 and wish to make new points to the Council that were not made before I think that is an entirely
33 appropriate response of the Commission. Personally, on these particular items I am not sure that
34 I do have those comments but if you do I wouldn't feel restrained from speaking up.

35
36 Vice Chair Packer: For instance we may do so to have those comments when we get to the
37 discussion portion and that would be the time to do so. Right now are there any other technical
38 type questions that you would like to ask Staff? Karen.

39
40 Commissioner Holman: A question about Chapter 18.24 is that the noise?

41
42 Mr. Williams: 64.

43
44 Commissioner Holman: Thank you. What happens as approve this and we discover that service
45 equipment, air conditioning, the number of kinds of equipment that are identified here if we
46 discover that having that kind of equipment because of how much power it has that it does create
47 an impact but we have allowed it on the rooftops as opposed to basements or on the ground what

1 happens? It seems to be a little bit of a conflict and it occurred to me as I was reading through
2 this again.

3
4 Mr. Williams: Well, in the interim I think the ARB will review all of these sort of things so I
5 think they are going to be seeing at least from a visual standpoint that issue. From a noise
6 standpoint these things are generally required to be screened so that noise on a rooftop that is
7 some distance away hopefully would not be an issue. I assume the Noise Ordinance would then
8 come into play.

9
10 Ms. Grote: The Noise Ordinance does apply so any new or relocated equipment has to meet the
11 current noise standards.

12
13 Mr. John Lusardi, Planning Manager, Special Projects & ZOU: Just to elaborate on that process
14 is what happens when a development application comes in and it is reviewed the equipment is
15 reviewed and typically the Police Department who enforces the Noise Ordinance requires
16 specifications for that equipment so that equipment would meet the Noise Ordinance. Then once
17 the equipment is installed and the building is built they are required to go out and test it to ensure
18 that it meets the Noise Ordinance as well. So that is inherent in the design and development
19 process now and that will continue.

20
21 Commissioner Holman: I will make comments about this later but I see there are some problems
22 given our Noise Ordinance. Then also in the City Council report, the CMR that went to Council
23 October 4, there was something that seemed as though it didn't get addressed at the Council
24 meeting unless I didn't see it here. That is the Staff Report, the CMR, said that Council had
25 previously said that they would not address the spine road issue at that time they would do it at
26 an EIR point of evaluation, a Supplemental EIR for the research park. I was confused about that
27 because an EIR doesn't implement anything. So I was confused about what that was and it is not
28 mentioned here about how to address that. So could that be clarified?

29
30 Ms. Grote: The spine road was not addressed in the EIR that the Council just reviewed and
31 certified at first reading last Monday or May 2. It wasn't included in that because the spine road
32 is currently not on any official Transportation Planning document. Nothing in the Development
33 Agreement prevented a spine road but it didn't include the spine road so it was not part of that
34 Environmental Impact report. Both our City Staff and Stanford have said that should the City
35 Council direct some further exploration of the spine road that we would certainly sit down and
36 talk about that and discuss that.

37
38 Vice Chair Packer: May I just say the spine road is really I don't think within the scope of the
39 zoning ordinance that we are looking at. We can move on to other questions. That is a specific
40 project and we are looking at an ordinance right now.

41
42 Commissioner Holman: But it would have to do with transportation and access and other things
43 that would affect the zoning standards.

44
45 Vice Chair Packer: It would affect the properties and the use of the properties but it doesn't
46 affect the regulations.

1 Ms. Grote: Right, in order to have some sort of a regulation that would address a spine road we
2 would need to have the policies in place that call for such a spine road. Currently those policies
3 aren't or alignments aren't noted in our Comprehensive Plan, Transportation Element. Certainly,
4 if that is a comment you would like the Council to consider you can make that as an
5 accompanying comment. It is not really addressed in zoning ordinance requirements.
6

7 Commissioner Holman: I had thought that there was a Supplemental EIR that was going to be
8 prepared for the Stanford Research Park separate from the Stanford/Mayfield.
9

10 Ms. Grote: No, actually that EIR covered build out of the Stanford Research Park as well as the
11 Mayfield Development Agreement, which covered the ball fields and the relocated square
12 footage and the housing. So it was the build out of the park plus the elements of the
13 Development Agreement.
14

15 Vice Chair Packer: Let's talk about this.
16

17 Commissioner Lippert: I have a question that is tangentially related to Karen's, which is that
18 recently I paid a visit to the Development Center and I found that I can get a printout of just
19 about any site and it tells me what my developable FAR is it is a rather remarkable program.
20

21 Ms. Grote: In our GIS program.
22

23 Commissioner Lippert: Right. Does that work with the Research Park in terms of individual
24 parcels?
25

26 Ms. Grote: I would. Everything that we have in our GIS system is applicable to the Research
27 Park as well as every parcel in the City.
28

29 Commissioner Lippert: So there is a way through GIS of getting a handle on what the maximum
30 build out of the Research Park would be and an offshoot of that would be what the overall build
31 out loads would be, correct?
32

33 Ms. Grote: Right we have in the Comprehensive Plan there is about 870,000 square feet left of
34 developable square footage in the Research Park. That is what we analyzed in the EIR that just
35 went through you as a Commission and went through the City Council last week. So we
36 analyzed the full growth or full potential of the Research Park in that document.
37

38 Commissioner Burt: So it is all defined all ready.
39

40 Ms. Grote: Yes.
41

42 Vice Chair Packer: Are there any other questions from the Commissioners on the material that is
43 before us tonight? If not, I only have at this point two cards from the public, are there any other
44 members of the public who wish to speak? Now is the time you can bring me the card. Okay, I
45 have two speakers you will have five minutes. The first speaker is Fred Balin if you would come
46 to the microphone and state your name and address.
47

1 Mr. Fred Balin, Palo Alto: Thanks for the five minuets I can talk more slowly. Thank you.
2 Good evening Commissioners I am Fred Balin of College Terrace. Tonight you are to consider a
3 dispensation for biotech structures that would allow a five-foot increase in maximum height and
4 an additional 15 feet for rooftop equipment. You are also to evaluate the alternate RM-30
5 residential zoning option. In both cases you must protect residential neighborhoods.
6

7 Regarding biotech new buildings or updated structures with clean rooms and rooftop units that
8 can and do emit chemical vapors and irritating noise should not be permitted facing residential
9 areas. Eight years ago AZA built a clean room and installed rooftop air conditioners at 1501
10 California Avenue. The resultant 24/7 out of compliance drone has permeated our neighborhood
11 ever since. We have discussed this matter with Stanford Management Company for several
12 years and they either cannot or will not get their ground lessee to resolve the problem. Please do
13 not allow this to happen again.
14

15 Now to RM-30. During the Mayfield process it was both a misleading yardstick and a sword of
16 Damocles. The public was repeatedly misinformed that 15 units per acre was a downzone. It
17 was not. Rather the proposed density was part of a negotiated trade in which Stanford received
18 vested replacement commercial square footage in addition to the residential housing. We were
19 also told that Stanford could build 30 residential units per acre although they had never used
20 residential zoning in the Research Park RM-30 lingered in the public consciousness as an
21 implied threat. Tonight you must act to rectify this situation. RM-30 is not appropriate next to a
22 single-family residential neighborhood. It should be removed as an option for all parcels that
23 face California Avenue in Research Park unless the following two conditions are met. There is a
24 front row of R-1 housing and only the R-1 housing had direct vehicular driveway access to
25 California Avenue. This is entirely consistent with our Mayfield neighborhood letter petitions
26 the first submitted to you on February 9 with 133 endorsements and a more detailed petition
27 submitted to the City Council last week with 261 endorsements.
28

29 At Council two of our supporters challenged the validity of the Mayfield traffic analysis. One
30 area was the trip generation data plots for the Upper California site. For the no project
31 alternative the category selected was single tenant office yet the two largest buildings, HP and
32 ALZA, are for research and development. For the future residential housing the category chosen
33 was apartments more suitable to an urban setting. This let to claims there would be up to a 40%
34 traffic reduction and no significant neighborhood impacts. Both the intuition and detailed
35 analyses of our endorsers seriously questioned these assertions therefore both elements must be
36 included in any residential zoning option, R-1 in the front and vehicular access to California
37 Avenue restricted to those R-1 structures. Otherwise the alternate residential zoning option
38 should be removed from Research Park parcel space in California Avenue. Thank you.
39

40 Vice Chair Packer: Thank you. Our next speaker is Joy Ogawa. I think you know the routine,
41 Joy.
42

43 Ms. Joy Ogawa, Palo Alto: Well it is good to know that I can go into the Development Center
44 and find the development potential of any property. I would guess though that the Research Park
45 properties don't reflect the potential 25% FAR shift that could be added to any property in the
46 Research Park that is not on California Avenue.
47

1 It is interesting that we have come full circle with regard to limitation of office use in the
2 Research Park. That started out as a well, you know, let's limit office use in the Research Park,
3 well Stanford already voluntarily does that as part of its policy. Then when you try to
4 incorporate that it turns out that well when they talk about office use they really ...when they
5 talk about research and development definition they include as research and development all
6 office uses for any company that has any research and development as part of its company
7 anywhere in the world even though it is not in the Research Park. So a company could have
8 100% administrative offices in the Research Park that would be counted by Stanford as R&D in
9 its definition. So basically when the City tried to incorporate that it kind of made a farce of the
10 whole thing and so we are here full circle taking that out completely. It is sad that I basically
11 have to say if the only option is to try to say that research and development includes 100%
12 administrative office then I think we are much better off not trying to make our code say
13 something ridiculous like that.

14
15 Now, as far as incentives for medical office there again I look back to how these definitions got
16 put into the code in the first place and into the recommended code by Staff. My recollection is
17 that that started off as being Stanford's request and then people got up and said well, you know,
18 we want to be able to protect any kind of medical research that goes on within private medical
19 offices. We want to be sure that those private practitioners can carry out medical research in
20 their offices. So Staff responded and included within the definition of permitted uses that you
21 could have medical research in private medical offices basically in response to Stanford's
22 request. That is what Stanford said they wanted and Staff gave it to them. Then it turns out that
23 is not really what Stanford wanted. Stanford really wants to be able to carry on medical research
24 without any limitations not just in private medical offices but medical research. I mean it is
25 understandable. The medical school is a huge growing thing and clinical research is growing,
26 growing, growing and the medical school can easily take over the entire area and probably will
27 given no limitation. I think that needs to be part of your consideration. If that is part of the
28 inevitable, if that is what is going to happen if you continue to allow medical research to take
29 over that is what is going to happen. It was really interesting that at the Council meeting Staff
30 responded to Council at that time well, there is no indication that that is a problem. Well, two or
31 three weeks later there is a headline in the *Daily News* saying that the private doctors in the
32 Welch Road area are saying that Stanford is going to try to kick us all out, as soon as they have a
33 chance they are going to kick us all out. To me that is a policy decision. I don't particularly
34 myself use the doctors in the Welch Road area but it is just something that you have to consider.
35 If you want to preserve that area for private medical and dental practitioners then you need to
36 address that. I hope you do and take that into consideration. Thank you.

37
38 Vice Chair Packer: Thank you, Joy.

39
40 Commissioner Griffin: May I ask the first speaker to elaborate on some of his remarks or is it
41 too late?

42
43 Vice Chair Packer: I will let you do that. How long do you want him to elaborate?

44
45 Commissioner Griffin: Just a short time.

46
47 Vice Chair Packer: Okay, Michael has a question for you Mr. Balin.

48

1 Commissioner Griffin: My question had to do with your first comment about rooftop noise or
2 noise from rooftop equipment and you made mention of a droning noise that now affects the
3 neighborhood. I am presuming that you discussed this with the City Staff or with the Police
4 Department in relation to enforcement of the Noise Ordinance and evidently I am guessing here
5 the level of the noise did not reach the threshold of enforceable limits on the Noise Ordinance.
6

7 Mr. Balin: We have spoken directly with Stanford Management Company and Ramsey Shrido is
8 the person there, my wife and I have been speaking with him for three years. One of the things
9 that Stanford has said is that they own the land they don't own the ground leases. They don't
10 handle the ground leases so they have to work through the tenants there to get something done.
11 They did have somebody come out who was a respected acoustical engineer and did an entire
12 analysis of why it is out of compliance, they admit it is out of compliance, and gave a whole
13 series of recommendations to mitigate it. It has been like pulling teeth because they just don't
14 want to do it or they want to do it in the lease expensive way. So it has been going on for a long
15 time and to Stanford's credit they do keep a dialogue with us and they say well we have made
16 this recommendation, we've said this, now we have to see if they can get the budget approved.
17 In any event the clean room has been there for six years and the noise continues 24/7. You can
18 go up there on any quiet evening or day and you can hear it.
19

20 Commissioner Griffin: But it does not exceed or it does not reach the threshold for enforcement?
21

22 Mr. Balin: No, I believe Stanford will tell you that it is out of compliance it is over the
23 threshold. That has been documented.
24

25 Vice Chair Packer: I would like to now bring the matter back to the Commission and to remind
26 the Commissioners that we are here to talk about the ordinance not a whole lot of extraneous
27 matters. Also we can raise issues that apply to both east and west because when we do a motion
28 on the west side it will incorporate all the issues and then we can raise the issues that also apply
29 to the east side we can raise them again so that Phyllis will have the benefit of our comments and
30 remarks. So let's keep that in mind during our discussion. Does somebody want to begin our
31 discussion on the ordinance? Do you want to go through the....
32

33 Commissioner Burt: I think I would just like to maybe help Michael clarify the reasons that he
34 was asking the question. The Chair characterized them as extraneous but if I understood them
35 they were a basis for concern on how to judge what we should do in the zoning ordinance as it
36 applies to the other changes on the bio-medical uses as similar to ALZA's. Is that correct?
37

38 Commissioner Griffin: That would be correct.
39

40 Commissioner Lippert: Well I will begin with item number three under the background, which
41 is incorporating the 150-foot setback and the height of 40 feet. I think they are both very
42 reasonable in terms of what we are being asked to consider here. I think that perhaps the 150
43 might be increased a little bit but I think that the 150 is workable and I think that it does provide
44 the necessary buffer to the residential neighborhood. I think that what is asked for in terms of
45 the 40 feet versus 35 feet is a reasonable increase for that particular use. They are giving seven
46 to nine feet of interstitial or mezzanine space but only increasing five feet in the actually building
47 height. So I think that that is a very reasonable condition here.
48

1 Vice Chair Packer: Do you have a question that you want to ask Staff?
2
3 Commissioner Burt: Yes. Lisa, do you have a sense of the typical depth of the lots that are in
4 the ROLM zone?
5
6 Vice Chair Packer: RP.
7
8 Commissioner Burt: Excuse me, RP, Research Park. That may abut residential areas and
9 consequently if we have the 150 setback does that provide ample space at the front portion of the
10 lot to do the construction?
11
12 Ms. Grote: I think most of them would be able to accommodate a 150-foot setback. I am going
13 to refer to Curtis and John if you have any more specifics but they are deep lots, very deep lots.
14
15 Commissioner Burt: I would just add that we don't necessarily have to make every lot amenable
16 to the bio-med applications we just wanted to make sure that there were ample lots to
17 accommodate the growth in that sector.
18
19 I don't need specific numbers but a generalization would be ample.
20
21 Mr. Lusardi: I think we are reasonably comfortable with 150-foot setback. A lot of the
22 residential that abuts or is adjacent to the Research Park also has a street separation too. These
23 lots are fairly deep in that regard so I think we are fairly comfortable with that kind of a setback
24 and we can still work with the building height.
25
26 Commissioner Lippert: Generally, Pat, the back portion of the lot is used for parking on those
27 lots.
28
29 Commissioner Burt: It might be.
30
31 Commissioner Lippert: That is the way it is laid out anyway.
32
33 Vice Chair Packer: Michael.
34
35 Commissioner Griffin: I will address this noise issue again. This is apropos to item number
36 four, which is talking about performance standards regarding noise, lighting and access for the
37 zone. I am empathetic to the difficulty that the speaker discussed with us and that has to do with
38 certain droning background noises that in many cases are inherent to HVAC type equipment. I
39 know that the intent of Staff here was to basically push off that issue to the Noise Ordinance and
40 if we didn't like it I guess it is up to us to bring the Noise Ordinance into the 21st Century and
41 deal with some of these noise related problems. I personally would like to see something else in
42 the ordinance that had to do with sound attenuation devices that would insure that we would not
43 be creating serious problems for people in the College Terrace neighborhoods relating to this
44 necessary machinery. I invite other Commissioners to tag along with this.
45
46 Vice Chair Packer: I would just like to interject one thing. What is before us is not the
47 performance standards, is that correct? We are not looking at new performance standards at this
48 point. Those are going to come back to us?

1
2 Mr. Williams: That is our intent but performance standards are part of the industrial district so I
3 think it is certainly within your purview to discuss whether this is adequate.
4

5 Vice Chair Packer: So we could have a discussion on what we would like to see when you bring
6 the performance standards back to us. Is that what the Commissioners want to do right now or
7 do we want to have that discussion tonight or do we want to get on with just the portion of the
8 ordinance that is before us to review. We don't have new performance standards to be looking at
9 tonight. Karen.
10

11 Commissioner Holman: To pony onto Commissioner Griffin's comments and also go back to
12 my original question and it does have to do with yes the performance standards are coming back
13 but it sort of a salami thing we have going on here because are we not maybe necessarily creating
14 a monster, I am not quite sure, or are we continuing a monster by allowing large equipment on
15 rooftops as opposed to in basements or on the ground? We really don't have any information
16 that says that it couldn't be in basements because they are saying in basements or rooftops. So
17 because of the size of the equipment, we have ambient noise that affects our community greatly
18 and the more equipment that we have and we are talking on top of 40 foot buildings and the
19 higher it the larger the broadcast. So I think it is something that is in the scope of what we are
20 discussing tonight because if we adopt this and say we are going to deal with the performance
21 standards later and we have already allowed them to be on rooftops regardless of what the
22 standards are we have an ambience issue here. Also it was mentioned by the speaker about
23 fumes and if these are also issues I think if those are going up into the ether to then I think that
24 needs to be addressed.
25

26 Vice Chair Packer: I appreciate the concerns about noise and fumes and all that, however, what I
27 don't have in front of us is a document that gives me the technical information that I would need
28 to know in order to make some decisions about this. This isn't in front of us. I personally don't
29 know anything about rooftop equipment and what it does and what is needed. We haven't had
30 that in our Staff Report in order to address this issue with anything but shooting from the hip. So
31 I don't think that tonight is the time except to say that this is a concern we have but we don't
32 have the facts on which to make any decisions about it.
33

34 Commissioner Lippert: I just want to go as a rule of thumb we are asking for a substantial
35 increase in setback to that zone for a very modest height increase is what we are looking at here.
36 So I am just going off the cuff here and looking at this and I think that what is being proposed
37 looks reasonable. Technically I think it still needs to be addressed in terms of the performance
38 standards. I think that what is being asked of us here is a very reasonable and very modest
39 proposal.
40

41 Vice Chair Packer: Is anything being changed about the 15 foot? Hasn't that been in the code
42 all this time?
43

44 Mr. Williams: Right. The 15-foot height for equipment has been in the code. Secondly, there is
45 nothing in here that is increasing the amount of equipment you can put on your roof. What it is
46 doing is it is allowing it to be enclosed, which would be a helpful thing as far as noise goes. So
47 that is the difference with that. The five-foot increase I think is from our perspective pretty
48 arguable in that it is first of all set 150 feet back and so I question whether there is any significant

1 increase in noise or emissions when it is required to be that far away and then it has this potential
2 enclosure around it. What we were planning on doing with the performance standards is EIP the
3 environmental firm that has been helping look at some of the environmental issues on the Zoning
4 Ordinance Update has given us some preliminary information on performance standards, sort of
5 updating some things, and we can certainly go back to them and ask them to specifically try to
6 address that issue and see what can go into the performance standards for those types of
7 concerns.
8

9 Commissioner Burt: I would just like to first comment on the appropriateness of us having a
10 discussion tonight on the potential impact of noise on adjacent neighborhoods as a result of the
11 changes that we are recommending in these structures designed to accommodate biotech
12 buildings. As I think the Commissioner who took maybe the strongest approach in supporting
13 the additional height to accommodate this evolution in what is occurring in the Research Park at
14 the same time I think it is entirely appropriate and the responsibility of the Commission to make
15 sure that we aren't running into unintended negative consequences on adjacent neighborhoods. I
16 feel better hearing some of the comments from Staff on it and I think for that matter the Council
17 identified an issue that we had not recognized the first time we went through and whether there
18 should be some additional setback from the neighborhoods. So I am okay with what I have
19 heard so far but I have to take exception to the Chair repeatedly trying to restrain Commissioners
20 from raising issues or asking questions about interrelated issues. When we are advocating that
21 we accommodate biotech and it may have some consequences that are related to it is entirely
22 appropriate that we explore those potential consequences. The outcome may be that we say it
23 looked like they were adequately addressed or that we only want to raise issues at this time and
24 will await a more in depth discussion at a later time but it also could have been the outcome of
25 this meeting to say, gee, I don't think I can support this additional interstitial space without
26 looking at these performance standards. That could have been a reasonable decision for this
27 Commission. I just want to make sure the Commission has the opportunity and is not
28 constrained from appropriate discussions.
29

30 Vice Chair Packer: I don't mean to restrain the discussion I just wanted us, we only have three
31 or four hours in an evening to cover a lot of stuff and I believe and I strongly agree with you that
32 we need to have this discussion about this kind of equipment and the performance standards but I
33 would like to have some information in the form of a report on the facts we need to weigh in
34 order to intelligently respond. I assume that that is coming to us later in performance criteria. I
35 also want to point out it was the Commission who recommended to City Council that the five
36 foot increase was appropriate. We did this a couple of years ago and I can't remember if we had
37 a long discussion about the noise impacts at that time but we always understood that the
38 performance criteria relating to noise and fumes and what have you would result from whether it
39 is on a 35 foot building or a 40 foot building would be coming back to us with the recognition of
40 what is the new equipment out there and all. These things probably constantly have to be
41 updated. I would more than welcome a good discussion at one of our meetings on those issues
42 with a good report on what can be done, what kind of equipment is there, what is appropriate and
43 what will make it good for the whole neighborhood.
44

45 Commissioner Burt: I think that the point that you are losing is that some of the Commissioners
46 may find that in the absence of that information they cannot make a recommendation one way or
47 the other.
48

1 Vice Chair Packer: But we already did make that recommendation to Council.

2
3 Commissioner Burt: We did and we have often, as did Council on this, when the public or others
4 bring supplemental information that influences their decision-making they reconsider the
5 decision. This is back to us for reconsideration. We are not 100% bound by what we decided a
6 year ago based upon more limited information just like Council added additional requirements
7 for additional setback based on additional public input. That is an entirely appropriate part of the
8 process.

9
10 Vice Chair Packer: Karen.

11
12 Commissioner Holman: I want to be clear. I think there may be two things getting mixed just a
13 bit for what I am saying anyway. One is I am not opposing the 40 feet. I am supporting the 150-
14 foot setback as Council recognized and recommended and I wish we had caught that. I think we
15 would have. What my concern is is that there seems to be an assumption I think on the part of a
16 lot of us that the current law is okay and because we are not changing that that we are okay. I
17 have raised many, many, many times at this Commission in various aspects of the ZOU my
18 concern about noise. I believe Commissioner Griffin has too. So I just don't want to send out a
19 confused message that because it is okay and all we are doing is adding five feet and we were
20 okay with that that my issue should not be raised about the noise and even fumes. My issue is
21 that I think what we have now is broken, I am not sure that looking at the performance standards
22 later in isolation of location of this equipment is going to satisfy correcting existing problems.

23
24 Ms. Grote: Any discussion about changes, proposed changes and recommendations wouldn't
25 necessarily apply and won't actually to existing conditions. So someone who has a piece of
26 equipment now would have it grandfathered. Just so you know that existing conditions are just
27 that.

28
29 Commissioner Holman: I meant existing zoning. That is what I meant by existing conditions.
30 So I maybe misspoke with that. I meant our existing code there is an assumption maybe that our
31 existing code is adequate in protecting our community from noise impacts. I believe some of
32 that has to do with location and so that is why I am comfortable separating these development
33 standards having to do with location without having performance standards presented with that.
34 Again, it is an issue I have raised many, many, many times.

35
36 Vice Chair Packer: Lee.

37
38 Commissioner Lippert: I have a question for Staff, John or Curtis. With regard to buildings that
39 are biotech and there might be a non-laboratory or non-equipment-bearing piece of space
40 associated with that building would they be permitted to have that portion that say might be
41 office or support to those labs be located in that 150 setback at a lower height?

42
43 Mr. Williams: Yes, it is just the portion that is above 35 feet that has to be setback 150 feet.

44
45 Commissioner Lippert: Okay, so the point that I am getting at with this question is that the way
46 we currently have this ordinance structured it would encourage the developer to locate
47 supporting office space or lobby spaces or break rooms and those sort of facilities as a buffer to
48 the residential neighborhoods if they wanted to make use of that space. So there is some added

1 incentive here to locate those portions of the building that are not lab spaces providing some
2 additional buffer.

3
4 Vice Chair Packer: Are there any other comments or questions Commissioners want to make on
5 the districts west of El Camino Real?

6
7 Commissioner Lippert: I wanted to talk with regard to research.

8
9 Vice Chair Packer: Okay.

10
11 Commissioner Lippert: I think that there might be a bit of a conflict in there which is that it says
12 within a medical office allowing medical research but I don't see that there would be a limitation
13 in terms of how much research can go on in that medical office.

14
15 Vice Chair Packer: In the definitions it defined medical research.

16
17 Ms. Grote: Page three of Attachment A under 'a' where it says medical research and then also
18 definition 85 which is right above it. I think that is what you are referring to.

19
20 Commissioner Lippert: Yes.

21
22 Mr. Williams: Is your question that the medical office includes incidental medical and/or dental
23 research and that that is not defined? I think what happened at the Council level is that
24 previously medical research was essentially defined as being within a medical office, a portion of
25 the medical office. It wasn't real specific about what portion that was. The Council's direction
26 was to take that phrase out of there and essentially make them two separate entities so that the
27 medical research can stand completely apart from a medical office building as opposed to the
28 medical office being the predominant use if you have any research there to accommodate these
29 other clinical research type efforts.

30
31 Commissioner Lippert: I guess my question is or where I am coming from is that I am
32 concerned that very gradually medical research displacing medical offices by the nature of
33 having medical research in those offices. So I see one of two ways that we might want to
34 consider going which is to limit a percentage of floor area could be dedicated to medical research
35 in a medical office or saying that that office needs to be in continuous medical office use
36 meaning that they see patients on a continual basis.

37
38 Vice Chair Packer: On page five isn't there some description there?

39
40 Mr. Williams: The restrictions are only on the medical support, retail and personal services. So
41 those kinds of uses are restricted in that zone, a pharmacy or something like that but the medical
42 research versus medical office is not. Now going back what Commissioner Lippert is talking
43 about was the Commission's recommendation essentially that went forward to the Council
44 because your definition only allowed the medical research as part of a medical office. The
45 medical office was kind of the predominant use. The Council's direction has been to take that
46 out and give the medical research equal footing if you will with medical office. Again, that is
47 what we responded to and we have written it up that way. It was very specific direction from the
48 Council.

1
2 Commissioner Griffin: I had the feeling that they didn't perhaps fully appreciate what we were
3 trying to accomplish and maybe we didn't say it clearly enough. We were voted down at least
4 that is my take on it that they did not want to make that distinction.

5
6 Vice Chair Packer: Pat.

7
8 Commissioner Burt: Could Staff review for our benefit the Council's discussion on this? When
9 they went over this first there is a policy issue at the heart of it which is do we have an interest as
10 a community in attempting to preserve the uses of medical offices by private practitioners in that
11 Welch Road area which has been a very important part of the medical office use in our
12 community. I think the Commission felt that was important, we listened to both Stanford
13 representatives and I think the Lucile Packard Center representatives talking about the need to
14 have complimentary research that was done in conjunction with medical offices. Did the
15 Council discuss that policy issue and say we don't have an interest in preserving medical offices
16 on Welch Road?

17
18 Mr. Williams: My recollection is and I am trying to see if there are some specifics in the minutes
19 here from the Council meeting and I am not coming to it right away. My recollection is that they
20 felt it was important to preserve the medical office but I believe that their sense was that the
21 medical research wasn't threatening that.

22
23 Commissioner Burt: Maybe at the time they didn't have that sense as one of the Commissioners
24 or a member of the public mentioned it wasn't more than a couple of weeks later that we had a
25 newspaper article highlighting that trend. Just as new information gets presented to the Council
26 that for instance on these setbacks that influenced their decision subsequent to our discussion that
27 we now agree with them. We said that was good information from the public or from the press
28 or from whatever source or from Staff that shed new light on a subject. I think that this may be
29 something that we may want to encourage the Council to reconsider. Now it leaves open the
30 question, did we get it exactly right when we recommended it to Council, and I don't know the
31 answer to that and would be open from Commissioners or I suppose the public hearing is now
32 closed but we might have some knowledgeable people in the audience who might shed light on
33 this.

34
35 Commissioner Lippert: You can still ask some questions we didn't close the public hearing.

36
37 Commissioner Burt: I said that, thank you. I would be interested in exploring this topic more
38 because I do think it is a danger to an important service to the community and I think the
39 Commission if they feel strongly they wish to recommend to the Council that the Council
40 reconsider it or that we have a modification that maybe acknowledges what the Council felt was
41 wrong about our recommendation and tries to modify our recommendation in response to that
42 then maybe we could do either of those things.

43
44 Vice Chair Packer: Michael.

45
46 Commissioner Griffin: I read the Council minutes and maybe it is in there but I did not come
47 away from that meeting with
48

1 Commissioner Holman: Page 13.

2
3 Commissioner Griffin: It is there? Anyway, I did not come away from that meeting feeling that
4 there was very much discussion on that particular topic and that would be worked out going back
5 and trying to encourage Council to take another look at it.
6

7 I also would like to bring up an adjacent issue here which has to do with what Curtis was talking
8 about we do have a 20% restriction on support services. I am encouraging Commissioners to go
9 to page nine of the draft ordinance and at the top of the page, paragraph B, limitations on medical
10 support services and medical support retail uses. Then it says in paragraph number one, the
11 intent of this limitation is to restrict support services and retail in order to preserve and facilitate
12 space for medical offices and medical research facilities. Then it goes on in the next paragraph
13 to say that they want to restrict these auxiliary functions to 20% of the gross floor area within the
14 district. When you go to the definitions of what are these support services they are
15 administrative offices, billing offices, public relations, training and fundraising. It is not limited
16 to those but those were the ones that they did bring out. There is a part of me that says on the
17 one hand the intent of the ordinance is to encourage the preservation of medical offices as well as
18 medical research and yet we are allowing 20% of the floor area to go to public relations and
19 fundraising and billing offices which in my mind could be handled very efficiently by putting
20 them offsite someplace.
21

22 Vice Chair Packer: I just want to bring back to the Commission's memory there were members
23 from Stanford who came and spoke to us specifically about the public relations and the
24 fundraising and the importance of it being close to Stanford Hospital.
25

26 Commissioner Griffin: I guess I wasn't convinced.
27

28 Vice Chair Packer: Which is why, I am just giving the history, I don't have any sort of feelings
29 about it one way or the other but I am just remembering the history. I think we didn't want to
30 have offices there at all but they said we need a little bit because there are some of these ancillary
31 things that go on and it needs to be close to the hospital and so we put it back in. Then when we
32 did the research we limited it to within the medical offices so we didn't need to have a
33 restriction. So now what I am hearing Commissioners say is that maybe we want to consider
34 some kind of restriction, a percentage or some way, of medical research in order to insure that
35 the medical offices remain. Is that the kind of thing I am hearing?
36

37 Commissioner Lippert: What I want to be very careful of is that medical research doesn't wind
38 up trumping the medical office. Here, we see it in other cases. The ARB for instance has the
39 ability to not regulate speech, what you say, in terms of signage but the volume at which you say
40 it. So big signs are discouraged. In this case what we are saying is research in conjunction with
41 medical office use is appropriate but if all you are going to do is medical research this is the not
42 the appropriate location for it. That's all.
43

44 Vice Chair Packer: Does somebody want to make a little motion on this topic so it gets in there
45 that we want

46
47 Commissioner Burt: I think we should relook carefully at what our proposed language to the
48 Council was before. Why don't we review that and see exactly what it was that they did not

1 support and see if there are any modifications that might be able to address their concerns and
2 retain some of the objectives that we have.

3
4 Commissioner Griffin: Does Staff have that language?

5
6 Vice Chair Packer: They took out the words within medical office.

7
8 Mr. Williams: From the definition of

9
10 Vice Chair Packer: It is our recommendation that it either go back in or that medical research be
11 limited.

12
13 Commissioner Griffin: I think if you go to the redline edition of this ordinance. I think it is
14 Attachment B on page five at the top of the page it says office limitations in the Research Park.
15 Is that it?

16
17 Vice Chair Packer: That wasn't it.

18
19 Mr. Williams: That was for the professional offices.

20
21 Commissioner Griffin: All right, somebody else find it.

22
23 Commissioner Burt: Exhibit 1.

24
25 Ms. Grote: There was an Attachment A on page three Medical Office and towards the end of
26 what had been the original paragraph it is now crossed out but you can still read it, it says under
27 Medical Office...

28
29 Commissioner Burt: What page?

30
31 Ms. Grote: Page three. And including services related to medical research, testing and analysis
32 but excluding the use of hazardous materials. That was crossed out and added was incidental
33 medical and/or dental research within the office is considered part of the office use. So I think
34 the stuff that is crossed out, the wording that is crossed out, was the original recommendation
35 that the Council considered. They then said please modify that to be something along the lines
36 that is currently written and underlined.

37
38 Mr. Williams: Actually the medical research definition here did say, this doesn't reflect the
39 changes that the Council – this reflects the changes to the current ordinance so there are steps in
40 there where the Commission made changes and Council made changes and the Commission
41 made changes. So this is sort of the final product from today's ordinance to now. So we don't
42 an existing medical research definition so this is entirely new and underlined. I can tell you that
43 the one change the Council made to what the Commission sent forward was that medical
44 research previously meant a use and your recommendation related to medical and/or dental
45 research, testing and analysis including somewhere in there were the words, "within a medical
46 office." That phrase was deleted and that was the actual action that the Council took to make
47 that modification.

1 Commissioner Burt: All right, we have representatives from Stanford here tonight, I see Bill
2 Phillips. Can we ask if Bill has any comments on this subject? Whether they had a strong
3 inclination one way or the other on the use as either the Commission recommended to the
4 Council or the Council ended up preferring?
5

6 Vice Chair Packer: Okay.
7

8 Mr. Bill Phillips, Stanford: I was listening to the concept of what exactly the Commission
9 recommended to the Council and I think Curtis has been very accurate in what went forward. I
10 think they made a deliberate decision to consider medical research and I think you see it in the
11 language as a permitted use and gave it status equal to medical office. Then because that may
12 have given them a bit but I would say a small bit of concern such that you have they issued this
13 request to try and do the balancing act that would be allowing it in the ordinance but not dis-
14 incentivizing medical office by providing it in there. I think the come back tonight has been Curtis's
15 explanation about how one would respond to that and how difficult that is and I would agree
16 with it.
17

18 Commissioner Burt: Thank you. So then from what I had heard from Curtis earlier and unless
19 someone has a brighter idea I concur with what he said. It doesn't seem that we can incentivize
20 the one without dis-incenting the other. If that is the case then the Council has presented a
21 quandary. They wanted to incentivize medical office but not at the expense of medical research
22 and they deleted our constraint on the use of medical research. It appears from what Staff has
23 said and the discussions we have had so far that there doesn't look like a way to do both thing the
24 Council requested. In that case, it may be appropriate for us to come back and say we have
25 considered it and unless some proposal comes forth on how to achieve their incentivizing
26 recommendation then we have to make choices. The choice that the Commission previously had
27 made was a constraint on medical research, allowing it but as an incidental adjunct to medical
28 office, as I recall. We reiterate the importance of preserving medical office in that region. If we
29 don't have a recommendation on how we could do both then perhaps we are left with the choice
30 of which of these directions we would want to go with and I think I would support requesting the
31 Council reconsider our original recommendation.
32

33 Vice Chair Packer: Lee.
34

35 Commissioner Lippert: I have a thought and I don't want to wordsmith this but there is a way of
36 sort of maybe correcting this or maybe turning it in the right direction. That is here it very
37 specifically says incidental medical and/or dental research within the office is considered part of
38 the office use where it supports client services. Well, client services as we know have a broad
39 implication. It could be supporting the clients that are in Stanford Hospital but the research is
40 done in a medical office on Welch Road down the street. It doesn't tie that to the specific site.
41 What I would say and I am looking at here is maybe where it supports onsite patient services in
42 which it ties the patients, changes it from clients to patients, and ties the patients to the site so
43 that office has to remain open to see patients in order to be able to do the supplemental research.
44

45 Vice Chair Packer: Karen.
46

47 Commissioner Holman: I haven't yet spoken to this at all and I am supporting the comments
48 of other Commissioners who have spoken to this. I look at this as it is a bit of a quandary or

1 conundrum. What appears is that when Council made the request of Staff to look at ways to
2 incentivize medical office and the retention of them they didn't know at that point in time that
3 there wasn't a way to do that. I think that is information that we have that we need to consider. I
4 would interpret providing provisions for retention of medical office as a value judgment that the
5 Council has made. That would, in my mind, override the wish to provide flexibility to the use of
6 space. So I would fully support limiting medical research in medical offices. I don't want to try
7 to come up with the exact words either but I think it should be probably by percentage because I
8 appreciate what Commissioner Lippert brought up and appreciate that you were the first one to
9 bring this issue up and at the same time it could be an office that serves ten clients onsite but
10 80% of the facility is used for research. So I think we maybe ought to look at probably a
11 percentage of the facility.

12
13 Vice Chair Packer: Maybe we will do is go back to our original recommendation which was
14 clean. That is the sense I am getting. Let's do a quick motion saying that we want to leave the
15 recommendation to Council... well, I shouldn't be making the motion. Does somebody want to
16 do it?

17
18 Commissioner Lippert: Why don't you tell us what you are thinking?

19
20 Vice Chair Packer: That I think what Pat was saying that we want to tell Council that when we
21 get to the full motion on this ordinance one of the things that we are going to say is that we do
22 not agree with the change that they made and you would like them to reconsider our original
23 recommendation in light of the information that Staff has presented it would be difficult to setup
24 and incentivize _____ that they recommended because we are concerned about the
25 potential loss of medical offices on Welch Road or in that area. Can somebody make a motion to
26 that effect?

27
28 Commissioner Griffin: I would like to add to it this concept of the percentage. In other words, if
29 we have in this draft ordinance a limitation on support services and retail at 20% why can't we
30 come up with a percentage that would more accurately mimic the current situation over there, the
31 current balance on those Welch Road facilities of 60% ...I don't even want to go there because I
32 don't know what those percentages might be but Staff might or Bill Phillips might have a better
33 feel for what that percentage really is.

34
35 Commissioner Lippert: I think that the 20% might be arbitrary. You picked it based on another
36 use but I have to tell you that research has a lot more to do with what is going on in medical
37 offices.

38
39 Commissioner Burt: I don't think Michael was advocating 20%.

40
41 Commissioner Lippert: Okay, fine.

42
43 Commissioner Burt: He was using that as an example that we had used a percentage basis for
44 the other functions. I would have a question for Staff or for experts in the public. What do you
45 think about the feasibility of trying to put a percentage number on this? How do we grapple with
46 this? I think we are all kind of on the same page in terms of what we would like to achieve as
47 the outcome. The question is how can we or what language in the ordinance can we recommend
48 that would capture the intent? I am sure open to anyone's recommendation on it.

1
2 Mr. Lusardi: I don't think Staff can give you an exact percentage that we know would work or
3 not work. So it would be arbitrary to be honest with you.
4

5 Commissioner Burt: Just to refresh us, I believe it hard to recall exactly from a year ago when
6 we did this 20% on the other use, I believe it was largely in response to the Lucile Packard
7 Center request and we put the 20% figure, I can't remember whether they recommended it but it
8 seemed like a number that would give them sufficient latitude. We weren't trying to peg it but it
9 was a number that was comfortably above the minimum that they thought they needed. I think
10 that is how that percentage came about. That may be the same principle that we would be
11 attempting to follow here. We may not be able to perfect this and pick the exact right number
12 but what we may be able to do is put some constraint that at least prevents all those doctors from
13 getting driven out of there.
14

15 Vice Chair Packer: I see two things our original proposal was not a percentage but had the
16 research going on within medical office so you didn't have to deal with a percent. And you only
17 need a percent if we didn't have that within the medical office criteria. Considering that the
18 percent of office space versus research space in the other part of the Research Park was thrown
19 out by the Council even though I understand the reasoning behind it I would be reluctant to
20 suggest pursuing a percent and maybe just restricting the location of the research as we did
21 originally and that still maintains the doctors' offices and maybe that would work better than
22 trying to deal with arbitrary percents and trying to monitor. You have so many different offices
23 there and I don't know how you would...it would just be very cost ineffective to try to
24 implement a percent.
25

26 Commissioner Lippert: I have a slightly different take on this. What we are really entering into
27 here is a dialogue with Council. The Council doesn't really have the ability to sit down at the
28 table with us and have a discussion unless we have an agendaized joint meeting. They have acted
29 on this ordinance in making their recommendation and sending it back to us. Now it is our job I
30 think to look at this and to add a little bit more meat to the bones maybe and send it back to them
31 even though there might be something in there that might be contrary to what they have
32 recommended for them to think about. So I don't see it as being adversarial or negative or
33 anything in terms of what they have given us back. So I don't have a problem with us trying to
34 hone this and craft it and shape it into something that we can live with and maybe they will
35 consider.
36

37 Vice Chair Packer: I think that is what we are doing. We either go back to our original
38 recommendation or Staff comes up with something even better. I think Staff understands where
39 we are coming from and should we go with that without trying to be too specific and say it has to
40 be a percent or it has to be some specific words because I don't know what the unintended
41 consequences of limiting it to patients would be or whatever. I don't know enough about the
42 field and how it happens and what kind of clinical work gets done and what the scope of it is and
43 whether they don't only use patients but use others. I don't know.
44

45 Commissioner Lippert: I am somewhat offended to see the word client. I think of client in terms
46 of a profit making enterprise and in this case what we are looking at are uses that are really
47 serving.
48

1 Commissioner Burt: I don't have that connotation. Non-profits have clients. I think that is word
2 parsing too much.

3
4 Commissioner Lippert: It could be work parsing but I do have concerns about it.

5
6 Commissioner Burt: John was trying to say something.

7
8 Mr. Lusardi: Staff would recommend if the Commission feels in the direction that you are going
9 that you go back to your original recommendation. Your original recommendation had the word
10 'within' in that definition. You didn't have a percentage. You didn't ask for a percentage at that
11 point. I think if you did Staff would say we don't know if we could come up with a percentage.
12 Council then took that definition and changed it. In changing it they added another
13 recommendation, another direction, that is now come up with incentives that don't dis-
14 incentivize another site. Staff is saying we don't know how physically we could do that either.
15 Doing FAR and all of that we don't think number one would work or number two could we
16 enforce it. So that brings you back to your original recommendation and I think you were
17 comfortable then with that original recommendation without having a number in it. Staff would
18 recommend that you recommend to the Council to go back to your original recommendation if
19 that is how you feel, you will have a Commission representative at the Council and you can have
20 a dialogue with the Council at that time.

21
22 Vice Chair Packer: Okay. Could we have somebody make a motion to that and we can move
23 on?

24
25 MOTION

26
27 Commissioner Burt: Yes. I will move that we readopt our original language regarding the
28 medical office definitions and uses.

29
30 SECOND

31
32 Commissioner Holman: Second.

33
34 Vice Chair Packer: Okay, is it okay if just have a vote on it? Have we discussed this enough?

35
36 Commissioner Burt: I just would like to add that the Commission and the Staff have taken under
37 careful consideration the Council's request to take a look at incentives to try to address this
38 problem and unfortunately there does not appear to be a viable way to use incentives to address
39 the problem consequently we are left with the choice of action that would potentially or probably
40 long term lose highly valued local medical office practitioners from the Welch Road area or the
41 option of the Council supporting our original recommendation. That is the reason that the
42 Commission has returned to their original recommendation.

43
44 Vice Chair Packer: Karen, do you want to speak to your second?

45
46 Commissioner Holman: I think Pat did a wonderful job.

47
48 Commissioner Lippert: I would like to make one comment.

1
2 Vice Chair Packer: Lee would like to make a comment.
3

4 Commissioner Lippert: I think that in other sections of the Zoning Ordinance Update we have
5 gone through and we have made certain uses contingent upon providing the basic uses. I think
6 that in this case here I don't think that there is any reason why we cannot limit or put a cap or put
7 something over those research uses that it is contingent upon those patient services or those
8 medical offices continual existence. I think that that's paramount to this. I know that it is stated
9 in there but I think it needs to be tied even closer.
10

11 Commissioner Burt: So are you proposing an amendment or making a statement?
12

13 Commissioner Lippert: I am making a statement. I am not going to try to change it. I am in
14 support of your motion. I think it is going to have some difficulties at Council but that is okay.
15

16 Vice Chair Packer: Okay, are we ready to vote on this one?
17

18 Commissioner Holman: I would just like to support Commissioner Lippert trying a friendly
19 amendment with that.
20

21 Commissioner Burt: Why do make a good point and then not want to try to include it as an
22 amendment?
23

24 Vice Chair Packer: Karen wants to make an amendment.
25

26 Commissioner Holman: I am not going to be able to repeat your exact words so I would hope
27 that Commissioner Lippert would make that as a friendly amendment. I think you would find
28 support. You are reluctant to do that apparently.
29

30 Commissioner Griffin: Perhaps Commissioner Lippert would propose a friendly amendment
31 that would offer another method of solving this problem by establishing some sort of a nexus
32 between research and the medical office services that were being provided to patients onsite.
33

34 Commissioner Lippert: Well I tried to do that in my wordsmithing here but Pat has his motion
35 out there.
36

37 Commissioner Griffin: Commissioner, I don't think they are mutually exclusively necessarily.
38 You can tack it on if he is willing.
39

40 Commissioner Burt: I would like to make two comments on that. One is that in our process it is
41 not objectionable to make either a friendly or an unfriendly amendment to a Commissioner's
42 motion and Commissioners won't take offense to that. Second, what I am going to suggest is
43 one possibility it is not something that is customary for the Commission but we are struggling
44 with this so I want to toss it out. We could present the Council with two options. Since they had
45 not accepted our original proposal, which we hope, they might accept now or we have an
46 alternative that Commissioner Lippert is suggesting one possibility is that we could present to the
47 Council two options for their consideration, Commissioner Lippert's version or the re-adoption

1 of our original language. I don't know what the Commission thinks about that approach but
2 since we are searching for a way to find something that the Council will find palatable.

3
4 Commissioner Lippert: Maybe this will work, I will give it a stab but as a friendly amendment
5 to the motion what I would recommend is that in addition to re-including the language that was
6 stricken previously we keep the paragraph that says incidental medical and/or dental research
7 within the office is considered part of the medical use where it supports, and then this where I
8 would change it a little bit to say, onsite patient services and then it continues with medical office
9 use does not include etc.

10
11 Vice Chair Packer: Do you accept the friendly amendment?

12
13 Commissioner Burt: I will accept that as a friendly amendment and I would still like to hear
14 from the Commission should we go with on proposal to Council or give them two alternatives. I
15 am open to either.

16
17 Commissioner Holman: I also would accept the amendment and

18
19 Commissioner Burt: I might add that they heard from our record that both of these things are
20 possible so maybe we can just choose one and make sure they understand that we would find
21 either acceptable from our standpoint.

22
23 Commissioner Holman: Right, and I don't think that the friendly amendment is inconsistent
24 with the purpose of the main motion obviously or it wouldn't be a friendly amendment. I don't
25 think it is a leap to accept both so I think we should just go forward with the one motion as
26 amended and accepted.

27
28 Vice Chair Packer: The amendment considered as an alternative.

29
30 Commissioner Holman: No, no not the amendment considered as an alternative. The
31 amendment was accepted.

32
33 Commissioner Burt: The amendment would be the recommendation of the Commission to the
34 Council.

35
36 Vice Chair Packer: Okay.

37
38 Commissioner Griffin: I misunderstood then. So we are saying now that Lee' amendment
39 would preempt the first?

40
41 Commissioner Burt: It would modify the motion.

42
43 Commissioner Griffin: And it would then present Council with a choice.

44
45 Commissioner Burt: A single option, which is the amended motion that Lee had recommended.

46
47 Vice Chair Packer: Curtis has something.
48

1 Mr. Williams: I just want to clarify. My understanding is that we would be amending the
2 medical research definition to reinsert the words ‘within a medical office’ and then we would be
3 amending the medical office definition as Commissioner Lippert suggested to revise it to say
4 onsite patient services rather than client.
5

6 Commissioner Burt: Correct.
7

8 Commissioner Holman: Correct.
9

10 Mr. Williams: So that is all part of one motion.
11

12 Commissioner Burt: Yes.
13

14 MOTION PASSED (5-0-0-2, Commissioners Cassel and Bialson absent due to conflicts)
15

16 Vice Chair Packer: Are we all on board now? Are we ready for a vote? All those in favor?
17 (ayes) All those opposed? That passes five to zero with two Commissioners absent because of
18 conflicts.
19

20 Okay we still other items to discuss on these districts on the Stanford lands. Do Commissioners
21 have any further comments on this portion of the Staff Report with regard to this proposal? Pat.
22

23 Commissioner Burt: One of the speakers asserted that an office that a research park use would
24 not be defined as office. I am sorry, if the Council put no constraints on office then it doesn’t
25 really matter whether a use that is purely office but for a company that does R&D elsewhere
26 whether that use would be considered to be office. I guess just for my own edification I would
27 like to know maybe from Mr. Phillips is that how Stanford Research Park as a landlord within
28 their own constraints of office use is that how you define things currently?
29

30 Mr. Phillips: The constrain that we impose as a landlord that exists on many of the ground leases
31 with respect to professional office would allow an R&D use that I believe has an R&D functions
32 in the Research Park and I think there are some cases going back to the early days of the
33 Research Park that would include R&D in the Bay Area as well, and how it defines Bay Area I
34 can’t recall, but for the most part it says that if on one site a company which is an R&D company
35 in the park and has R&D functions in the park is all office on that site that would be an R&D
36 company.
37

38 Commissioner Burt: Thank you. I have one other question and that has to do with when we
39 started this Zoning Ordinance Update three years ago one of the changes that was just occurring
40 was that we were suddenly facing the first time in decades where office use or R&D use were not
41 significantly higher land value than residential and we had the possibility that we might see some
42 of these commercial lands reused for residential purposes. Now we are three almost four years
43 after the Internet bubble burst and we are deeply within a trend in which residential land or use is
44 in most occasions a higher return on investment than commercial. It is flabbergasting that we
45 may be facing too much of a good thing. Some concerns that just weren’t part of what was on
46 our radar three years ago are something that we may need to consider today. I think that Staff’s
47 recommendation that R-1 and R-2 not be allowed in the Research Park or the ROLM district I
48 think is an excellent recommendation. The other question is whether we should place constraints

1 on RM-30 abutting R-1 or R-2 neighborhoods in those occasions where they exist. One certainly
2 was addressed just recently with the Mayfield Agreement and there is an agreement on record
3 and the Council has adopted that and that is in the ordinance and that is not going to change. I
4 don't know how many other occasions we may have the backside of Barron Park abuts the rear
5 end of some of the RP uses. There may be a few other places within the Research Park where
6 we have that kind of adjacency so I think it is appropriate that we reexamine the transitional
7 zones between R-1 or R-2 neighborhoods and whether potentially RM-30 immediately adjacent
8 to those zones. I would like that discussion to occur. I don't know whether Staff has already
9 considered this and has any recommendations to make or it is up to the Commission to explore.

10
11 Vice Chair Packer: I think these are important discussions to have and I understand from the
12 notes here that the residential portion, the details of that will be deferred to later so that when we
13 are doing the RM-30 zone ...let me go back. RM-30 development standards will be those that
14 would apply in these RP zones, therefore, when we go to the Zoning Ordinance Update for RM-
15 30 we should certainly look again at the transitional requirements. There are some transitional
16 requirements for setbacks and height for the RM-30 right now in the existing code but as we look
17 into it when we do the update for RM-30 remind us what transitional development standards we
18 should have for the sites that abut the various commercial and light manufacturing and research
19 zones that we have.

20
21 Commissioner Burt: If I might say I think that is a good point although when we discussed RM-
22 30 previously we weren't thinking about RM-30 in the commercial areas we were only thinking
23 of RM-30 where it is specifically an RM-30 zone. This broadens the discussion and if that is the
24 appropriate time to consider this I am comfortable with that.

25
26 Vice Chair Packer: Okay, Karen had her hand up. After Karen gets her thought out I want to
27 ask Commissioners how much time we have on this because it might be good to finish this up
28 and call Phyllis back in and do the west side.

29
30 Commissioner Holman: Just a reminder that I support what Commissioner Burt was saying
31 regarding adjacencies and also just as a reminder that a very good planning tenant is that you
32 don't change zoning in the middle of the street so if we can take this back to where we do reflect
33 what is across the street we will accomplish much greater compatibility as we have in the Comp
34 Plan. That doesn't mean to say that the Research Park is going to be redeveloped and its
35 perimeters as R-1 at the same time I am a strong believer that you don't allow something by
36 zoning that you don't want to have happen. So if we have an opportunity to create better
37 transition and better reflectivity then I think this is the appropriate time to do that. The other
38 thing is that it isn't just the RM-30 that we would be looking at because these zones allow
39 housing. So it isn't just the multi-family zones that we would be looking at to make these
40 changes.

41
42 Vice Chair Packer: These zones now would prohibit the low-density housing and any multi-
43 family housing would be done to the development standards of the RM-30 district. So that is
44 what we would be looking at. So when we look at the RM-30 district we should be aware that it
45 could happen anywhere not only in RM-30 zone places but in RP and all the other districts of the
46 multiple family.

1 Mr. Williams: I was going to say the existing code prescribes that RM-30 is the multi-family
2 standard that is used for all of these existing zones. I think what I am hearing now is one way to
3 address some of these issues are in the RM-30 to look at some of the transition issues to be sure
4 that that is more compatible. Another way is to look at maybe RM-15 within 150 of the
5 residential area or some thing that makes a transition and that would more directly address an
6 expectation in that area.

7
8 Vice Chair Packer: But tonight we are not going to include those parameters but we will be
9 coming back to them.

10
11 Mr. Williams: The code includes a section that says the RM-30. So as far as the transition for
12 RM-30 right that is another day to address how that works. If you want to go the direction of an
13 RM-15 perimeter type of zoning or something that is something we could easily write into this
14 chapter.

15
16 Vice Chair Packer: Let me get a sense. Lee has his hand up. Michael would like a break. Do
17 we have a lot more to discuss on this? Okay let's take a seven-minute break.

18
19 Commissioner Lippert: I don't want to lose my thought.

20
21 Mr. Larkin: One thing before the Commission breaks that it might want to consider is there have
22 been a number of ideas raised that may require Staff to come back to the Commission. If
23 Commission is going to ask for Staff to come back with any recommendations or changes before
24 moving it on to Council that decision should be made now because we won't be able to go on to
25 the east of El Camino until all the final decisions have been made on the west of El Camino.

26
27 Commissioner Burt: What is the Staff timeline on needing Planning to take this to Council?

28
29 Commissioner Griffin: It said July in here.

30
31 Mr. Williams: It is now scheduled to go to Council on June 6.

32
33 Commissioner Burt: So that sounds like it would not give ample time if you needed to come
34 back to us with research that you did.

35
36 Mr. Lusardi: Well, it is my understanding that you haven't asked for any additional research
37 within the framework of this ordinance yet tonight. You have asked for some changes.

38
39 Commissioner Burt: I am asking on a what if because the City Attorney just said if we were to
40 do that we

41
42 Mr. Lusardi: I don't think you would make the Council date that we have now if you asked us to
43 do additional research especially if it involves existing conditions of what is out there I don't
44 think we would make the Council June date.

45
46 Commissioner Burt: Thank you for that clarification.

47

1 Vice Chair Packer: Okay, with that would you like to take a break? Lee what about your
2 thought?
3

4 Commissioner Lippert: No, no we can take a break.
5

6 Vice Chair Packer: Okay, keep your thought. Seven minutes.
7

8 Lee had something he wanted to say, he was next.
9

10 Commissioner Lippert: Yes. I just wanted to support what both Pat and Karen said here but I
11 wanted to add another perspective to it which is one of the reasons to limit or not allow the lower
12 density housing is that when we begin to encourage the higher density housing it begins to get us
13 in the direction of the job/housing imbalance and getting that righted. That wasn't really said.
14

15 Commissioner Burt: I concur with you and the discussions that we had in great depth in the
16 years of the ZOU before you joined the Commission have been consistent with that is why we
17 were in fact enthusiastic about this being a rare opportunity to shift the jobs/housing imbalance
18 not only by adding more housing but potentially conversion of commercial land to residential
19 which is the most significant way that we could address that imbalance. What is the great irony
20 is that events have almost overtaken our advocacy of that and it is something that has surprised
21 us enough that we all are needing to take a step back and say okay, let's make sure we get this
22 balance correct.
23

24 Vice Chair Packer: I would like to just point out that I brought the Housing Element from 2002
25 and Program H-3 says encourage the conversion of non-residential lands to residential use to
26 both increase the supply of housing, particularly affordable housing, and decrease the potential
27 for the creation of new jobs that exacerbate the need for new housing.
28

29 Commissioner Burt: I don't know whether that was my exact wording or close to it. I was and
30 remain an advocate for that approach. It doesn't mean that we can never have too much of a
31 good thing and that is the point I was wanting to make. There may now be certain ways in which
32 we have to rethink to make sure that these changes that are occurring are being done in the way
33 that we would choose them if we were to look at them again and say okay, what are the trends
34 and how should we manage them.
35

36 Vice Chair Packer: Michael.
37

38 Commissioner Griffin: I support those general comments pretty completely actually. I would
39 like to propose that we consider an addition to our draft ordinance here that would encompass the
40 idea of a transition zone. I am thinking that RM-15 would be an appropriate way to go. I do
41 realize there are others of us here who might look at even an R-1 facing an R-1 district but
42 myself I think I am more comfortable with the concept that Curtis has discussed here in his Staff
43 Report, which is trying to avoid having low density housing in a commercial district and rather
44 sticking with an RM-15.
45

46 Vice Chair Packer: Karen.
47

1 Commissioner Holman: I agree that single family and two family should not proliferate in these
2 commercial zones. At the same time this Commission recommended to Council when we were
3 looking at the Stanford Mayfield Agreement that there be consideration given for R-1 along the
4 California Avenue edge to reflect the existing development across the street. What I think is
5 appropriate is that we continue the support for that and that we do exactly what Commissioner
6 Griffin mentioned in terms of transition but where we have opportunities to create
7 compatibilities by reflecting the zoning across the street that we implement that and then we
8 transition from there. So I think maybe where we would address this and my question to Staff is
9 sort of as a follow up to where we were earlier to address that in RM-30 I am not certain gets at
10 that point because what we are looking at is in this case RP which has existing allowance for
11 multi-family. So if we wanted to change RP to allow and even encourage single family or two
12 family on the perimeters as it reflects what is across the street not just on California Avenue that
13 it would seem this would be the time to do that and not when we are looking at multi-family but I
14 will leave it to you to comment.
15

16 Mr. Williams: I understand what you are saying. I think there are a couple things. One is we
17 think an appropriate transition is RM-15 even if it is across the street but I think the longer term
18 solution and we have actually looked at this and some diagrams for the California Avenue sites
19 very early on is to use the Village Residential approach on those properties which would allow
20 the flexibility to take an RM-15 type of density and create it in a way that would allow for some
21 single family along the frontage and then a higher density behind that so that it averages out to
22 RM-15. Obviously that product isn't here yet but that would be something that would be
23 allowable within the RM-15 zone and we think that is a better way to be flexible with that than
24 trying to create the potential for R-1 zoning. We also think that that product that single family
25 component most likely will be smaller lots than a 6,000 square foot lot too. So that wouldn't be
26 an R-1 necessarily, it may not always be but I think generally it probably would be so that it
27 would more appropriately fit under the flexibility that the Village Residential product would
28 have to do that.
29

30 Commissioner Holman: I am interested in that approach and it sounds like a feasible one. Then
31 since we have this in front of us now what are you suggesting in terms of when we would
32 integrate that into the RP zone for instance?
33

34 Mr. Williams: Well my suggestion was that if I am hearing the direction you want to go that we
35 add a paragraph here where it says RM-30 currently that we add in front of that a paragraph
36 saying that any residential development that is within and I am using 150 feet again of a
37 residential zone be developed per the RM-15 standards and then when Village Residential is
38 developed it will be an allowable development type within the RM-15 zone and could be applied
39 in these situations.
40

41 Commissioner Holman: Then I have something more specific. There is a compatibility issue too
42 which my personal comfort was not satisfied with the RM-15 on California Avenue in the
43 Stanford Mayfield Agreement. So there are issues of compatibility here too. I like the direction
44 that that's headed and if there could be more specificity provided in that that addresses
45 compatibility that would be I think a really good approach.
46

1 Mr. Williams: I think the compatibility issue is part and parcel of the Village Residential and I
2 would be hesitant to try to put something in this ordinance to address that. I would prefer to wait
3 and work that in with the Village Residential.

4
5 Commissioner Holman: So could we have like a placeholder?

6
7 Commissioner Griffin: Or use the term Village Residential.

8
9 Vice Chair Packer: Commissioners, I have to remind you that Zariah is concerned when we
10 speak on top of one another so let's try to speak one at a time. Lee had his hand up and then I
11 will come back to you, Michael.

12
13 Commissioner Lippert: I just want to follow up on Curtis's comment here that the assumptions
14 that we make is that the RM configuration is a block of housing and that is not necessarily the
15 case. There are a lot of really good examples in Palo Alto where RM-15 I think even RM-30 has
16 been developed almost on a model of almost single-family detached units. A really good
17 example of that is Wisteria Lane in Barron Park. Wisteria is right off of El Camino Real and
18 what it does is acts as a transition between the single family residential and the apartment units
19 on that street there. For all practical purposes it has a private drive that looks like a paved street
20 and it has I think it is a dozen individual houses with parking between them and they look like
21 single-family houses. So I think that the Village Residential model will make for a very good
22 application here.

23
24 Vice Chair Packer: Michael.

25
26 Commissioner Griffin: I just wondered if we couldn't bring this together by referencing a
27 transition zone of RM-15 incorporating any future Village Residential zoning models or words to
28 that effect so that you pull them together.

29
30 Vice Chair Packer: Michael, would you like to make that into a motion?

31
32 Commissioner Burt: Did John want to add something?

33
34 Mr. Lusardi: Just a couple of points. I am pretty sure I am correct that there is already a 50-foot
35 setback on California Avenue so you have the transitional element already in place. So to start at
36 that 50 foot if you start with RM-15 I think that is a good transition element there to start with.
37 So what we can do is as Curtis said require RM-15 within 150 feet of any low density residential
38 neighborhood then much like we have written already in the draft ordinance I am using the
39 example where we put in limitations on medical support services where we had an intent
40 statement. The intent here is to provide these kinds of limitations or transitions. We can put that
41 language in there so it is really clear what the purpose of what the Commission is recommending
42 to do and we can even put in the language knowing that we don't have Village Residential yet
43 that Village Residential is encouraged in these areas. So when you get to the Village Residential
44 you will know that you will have to address that kind of physical transition and that contextual
45 issue. We could put that kind of language in addition to the RM-15.

46
47 Vice Chair Packer: Pat.

1 Commissioner Burt: John, when you mention the 50 foot setback I am not sure that I would
2 advocate a 50 foot setback if we were having essentially a Village Residential interface. So I
3 would support a street setback somewhat mirroring the opposite side of the street. Our intention
4 is to not have transitions at mid street and if you have a 20 foot setback on the other side of the
5 street of R-1 or R-2 homes then this Village Residential component I would support bringing it
6 closer to the street and then behind that transition upward the density to average out to the RM-
7 15.

8
9 Vice Chair Packer: So in other words that landscape requirement would not apply if there is
10 housing.

11
12 Commissioner Burt: Right.

13
14 Commissioner Lippert: The way we might want to look at it then is permitting a 20-foot setback
15 when the RM-15 units are developed as individual detached units. Therefore, they begin to take
16 on a configuration of single family even though it is not single family.

17
18 Vice Chair Packer: John.

19
20 Mr. Lusardi: Again, the 50-foot setback is on the zoning maps so we would have to change the
21 map for that 50-foot setback. So maybe the direction to go is require the RM-15 within 150 feet
22 of low density residential, leave the 50 foot setback there now because it provides that
23 protection. When the Village Residential is developed we develop it if you are satisfied with it
24 creating a good transitional element in that setback could be reduced then you could direct us to
25 go and change that setback at that point.

26
27 Vice Chair Packer: Commissioners I am getting a sense that we are on the same page on this
28 issue. Do you have one more comment and then maybe someone can craft a motion?

29
30 Commissioner Holman: I do have one more comment to add to the purpose that you stated well,
31 John, is the issue of compatibility. I didn't hear that in the purpose and I would think that this
32 Commission in implementing the Comp Plan would like to have compatibility as part of the
33 purpose of that. Also, I am not sure who said it but the transition then you actually could have
34 R-1 and then behind that an RM-15 so that you could get the transition that way.

35
36 Vice Chair Packer: I am not hearing the rest of the Commissioners saying that we need an R-1
37 because what is in front of us R-1 and R-2 would not be permitted and what we are discussing is
38 having RM-15 encouraging a Village Residential format within the RM-15 and then when we are
39 doing the RM-15 and Village Residential districts we will keep that in mind that it could be used
40 in an RP setting. Pat.

41
42 Commissioner Burt: I was willing to take a stab at a motion.

43
44 Vice Chair Packer: Okay, go for it.

45
46 MOTION

1 Commissioner Burt: So my motion would be that, and this is really as a placeholder until we
2 have Village Residential come back to us, that on any RP zones that have residential within 150
3 of R-1 or R-2 districts that the zoning for that area be RM-15 and that supplemental, not part of
4 the ordinance but supplemental for the record would be that at the time that we review Village
5 Residential districts we will review the applicability of those design elements to the transition
6 areas between these RM-15 zones and adjacent residential.

7
8 SECOND

9
10 Commissioner Lippert: I'll second that.

11
12 Vice Chair Packer: Do you want to speak to it?

13
14 Commissioner Burt: Well, the only thing I would add is that I do concur that our objective is to
15 have a compatibility of design and an approximate compatibility of density at the street interface.
16 That does not in my mind necessarily have to be an R-1 or R-2 density to achieve that but it has
17 to have the look and the feel of single family homes that are compatible with the surrounding
18 neighborhoods and that we will address those issues in greater detail when we have the Village
19 Residential and the RM-15 zoning presented to us.

20
21 Commissioner Lippert: I think your motion incorporates the concerns and feelings of myself and
22 what I have heard from my colleagues here.

23
24 Vice Chair Packer: Michael, did you want to say something?

25
26 Commissioner Griffin: I was just going to clarify. So your motion does not envision making
27 any specific reference to Village Residential it just will stop at RM-15?

28
29 Commissioner Burt: Well, we have two issues. One is recommendations on zoning ordinance
30 language at this time and my understanding is as far as we can go right now is to recommend that
31 we are essentially down zoning the areas in the RP within 150 feet of residential areas to an RM-
32 15. But we can't take up the parameters of the Village Residential and include them at this time
33 because they haven't been presented to us but we have a clear understanding that it is our
34 intention to review their applicability to this area, this transition zone, when they come to us.
35 Does that seem correct?

36
37 Mr. Lusardi: Yes and I think the intent statement is certainly doable we can do that. Just to
38 point out again when you get through the RM-15 and the Village Residential I don't think it
39 would be very complicated if you felt that you wanted to be more specific in that industrial area
40 for us to make minor amendments to the new industrial zone.

41
42 Commissioner Burt: I was remiss I did not specifically state that we would like to have the
43 intent statement as previously stated by Mr. Lusardi with the component of compatibility
44 included as part of the motion. If that is acceptable to the seconder I would like to include that in
45 the primary motion.

46
47 Vice Chair Packer: Is there any further discussion or can move to a vote? Curtis do you have
48 something?

1
2 Mr. Williams: I don't want to confuse the issue too much but and this could be a separate item
3 but the MOR, Medical Office/Medical Research zone, is also some part of what you are
4 considering in this half of the discussion. That also allows RM-30. Do you want to take that up
5 separately or do you want to include it? The language in here deals with both of those areas right
6 now.

7
8 Commissioner Burt: I guess it does include that. I am recalling that it was about four years ago
9 that we had a big brew-haha where we in our exuberance for creating housing opportunities we
10 considered rezoning parts of that MOR district for residential. That was appropriately shot down
11 and the sensitivity toward retaining local medical uses was brought to our attention. I hadn't
12 appreciated that under current zoning we didn't prohibit it we just didn't rezone it. So in that
13 area we could still have someone come in and have right to put an RM-30 or possibly RM-15 in
14 the MOR district. So we have a separate question it seems that we really haven't discussed here
15 and I guess I would not want to include it as part of this motion. I think it needs additional
16 discussion what do we want to do in the MOR as far as what should be allowed. Perhaps we
17 don't allow any RM in the MOR. So my answer would be thank you for raising that issue and I
18 would recommend that this motion only apply to the two types of RP districts as was stated in
19 the motion and then we will have to consider what Curtis raised separately.

20
21 Vice Chair Packer: Karen.

22
23 Commissioner Holman: A quick one here. So we might follow up here with a motion regarding
24 MOR?

25
26 Commissioner Burt: Yes.

27
28 Commissioner Holman: Okay, then regarding the RP zones I guess sometimes what gets picked
29 out is the motion I appreciate that the purpose or the intention is included as a part of the motion.
30 The Village Residential not being a part of the motion I would rather it be a part of it.

31
32 I would make a friendly amendment that there be a reference added to Village Residential and
33 the intents of it in terms of compatibility be added to the motion.

34
35 Commissioner Burt: So let me just make sure I understand the friendly amendment. It would be
36 to explicitly state that it is the intention of the Commission to review the applicability of Village
37 Residential as a transition use in this RM-15 district or RM-15 allowable use area when Village
38 Residential comes back to us. Does that capture what you are looking for?

39
40 Commissioner Holman: That is probably close enough.

41
42 Commissioner Burt: Okay, if that were your friendly amendment I would accept that.

43
44 Commissioner Lippert: I don't have a problem with that.

45
46 MOTION PASSED (5-0-0-2, Commissioners Cassel and Bialson absent due to conflicts)

1 Vice Chair Packer: Are we ready then Commissioners for a vote on this motion? All those in
2 favor of Pat's motion about transitional housing in the RP districts please say aye. (ayes) Any
3 opposed? That passes five in favor and two Commissioners absent because of conflict,
4 Commissioners Cassel and Bialson.

5
6 We can move on to the next issue. You raised the issue about housing. There is so much history
7 back there I don't know or how much can you tell us in like two minutes, it is 9:30, for us to go
8 forward with something really drastic like removing RM-30 from that area I think is maybe a
9 bigger step than we have the information to do.

10
11 Commissioner Burt: Maybe we can get a legal opinion on this.

12
13 Mr. Larkin: The only thing I can offer is if the Commission were to do something that drastic it
14 would require an amendment of the Comprehensive Plan.

15
16 Vice Chair Packer: I remember that any time anyone suggested housing those doctors came out
17 in force and I don't even think you need a zoning change. I think life will work itself out.

18
19 Commissioner Burt: Then I would recommend that we simply conclude for the record as this
20 goes to Council that this may be something that they would want to consider and it would require
21 a Comprehensive Plan amendment and that it became apparent to us that this is an issue and one
22 that we cannot address at this time and just raise a flag for them.

23
24 Vice Chair Packer: Are the Commissioners happy with that and agree with that? Do we have a
25 consensus on that position? I don't think we need a motion on it.

26
27 Commissioner Lippert: No, I have a different view on that which is that we have seen
28 development of housing along Sandhill Road, which is really the backside of Welch Road. With
29 that we have also seen some additional housing added at the very far west end of Welch Road.
30 So I think that we would want, or at least I would want, to see the door left open in terms of
31 housing there. I don't think it necessarily will negate or remove medical office space at this
32 point in time but I do believe that if someone were to come by I think that those sites could be
33 redeveloped in a way that might be developed in a higher density that would include both the
34 residential and a medical component making use of the frontage road on Sandhill as well as
35 Welch Road but the buildings do not have to remain in those configurations.

36
37 Vice Chair Packer: Karen.

38
39 Commissioner Holman: I am wondering whether we really should have a motion to give
40 indication of where we land on this. I don't believe there are any residential properties that abut
41 directly. I didn't think there were. Oh, there are? Mr. Phillips is saying yes.

42
43 Vice Chair Packer: Yes.

44
45 Commissioner Lippert: Yes.

46
47 Ms. Grote: I think RM-40 there is a little piece that abuts it.
48

1 Commissioner Holman: Okay, but there is no low density. I guess I saw Lisa react when this
2 topic came up a few moments ago so I guess I would like to hear what your concerns might be,
3 Lisa.

4
5 Ms. Grote: About housing on Welch Road?
6

7 Commissioner Holman: About in the MOR zone if we would consider should there be a motion
8 made to Council to consider eliminating the housing opportunity in the MOR zone. You seem
9 like you might have reservations.

10
11 Ms. Grote: No, I didn't. I was just remembering when it was discussed to have housing in that
12 area that it was not well received by the occupants of the buildings then. But no I don't have a
13 recommendation on whether or not you should take out the housing in the MOR district.
14

15 Commissioner Lippert: The only point that I am trying to make is that the medical office space
16 can be moved into a higher density configuration. A lot of those are low-rise buildings and they
17 may be underutilized in terms of their density. Simply by taking that square footage and
18 consolidating it and putting it into a higher density configuration you can wind up with other
19 pieces of property that could be either redeveloped into more office space, medical office space
20 if there is a demand for it, or high density residential.
21

22 Vice Chair Packer: I agree with Lee, I think we should leave what is there alone, keep the RM-
23 30 as it is now. This is not the last time that the City will look at this ordinance. I am sure it
24 could come back again if the need happens. I would keep it the same. We have already, earlier
25 this evening, expressed our desire to maintain medical offices by limiting the medical research
26 and I think that message will go to Council. Pat.
27

28 Commissioner Burt: I think perhaps two things. One if we are at this point in time absent a
29 more comprehensive review of whether it is possible to integrate those uses the concern that we
30 started with here is that we have allowable use for RM-30 and just as we have seen commercial
31 convert to residential in places that were very surprising to us over the last year as presently
32 zoned that could happen at any time. I would recommend that at a minimum essentially as a
33 placeholder we look at putting the RM-15 overlay within the MOR region. It makes it a lower
34 incentive to convert to residential and that we raise this as an issue to Council without a
35 recommendation to say that this is a separate issue that requires greater consideration on what
36 should be done in the MOR district as far as future allowance for medium density housing as the
37 code would currently allow but it would require a Comp Plan change to do something other than
38 the RM-15 restriction as I understand it.
39

40 Vice Chair Packer: Michael, do you want to weigh in on this?
41

42 Commissioner Griffin: Yes, let's hear what the City Attorney says. I am wondering if we have
43 the ability to do a sense of the Commission type of a document.
44

45 Mr. Larkin: Well, you could certainly make recommendations. The issue comes when there is
46 an elimination of housing in any district. That would require an amendment to the
47 Comprehensive Plan because the Comprehensive Plan encourages housing in all zones as it is
48 now stated.

1
2 Commissioner Griffin: But could we not then in fact suggest that very thing in some sort of a
3 sense of the Commission letter or include it within in perhaps just the minutes of this meeting?
4

5 Mr. Larkin: It is within the Commission's power or authority to recommend changes to the
6 Comprehensive Plan or to any zoning ordinance. It is preferable to do it certainly if the
7 Commission's recommendation was to reduce or eliminate housing in a particular zone the
8 recommendation could be made with the caveat that the Commission understands that it would
9 require an amendment to the Comprehensive Plan. The amendment to the Comprehensive Plan
10 would have to come up as a separate notice motion because it would require CEQA compliance
11 and other things that we haven't done in preparation for this.
12

13 Vice Chair Packer: Can I ask Don a question? Even a recommendation in this regard has this as
14 such been adequately noticed for us to even make a recommendation?
15

16 Mr. Larkin: The discussion has been adequately noticed and the Commission can certainly make
17 that recommendation but before final action can be taken it would probably need to come back
18 again.
19

20 Commissioner Burt: Maybe we can cut this. Even though my present sentiments would lean
21 toward what Michael was talking about I don't feel like we have had an adequate opportunity to
22 really consider it and have Staff evaluate it. I think it would be premature, Lee has raised
23 alternatives and those are the kinds of things I think a more thoughtful discussion and
24 consideration should be done before making a recommendation. I do think that we should raise a
25 flag to the Council.
26

27 Vice Chair Packer: Karen.
28

29 Commissioner Holman: I think we ought to definitely raise the flag as you say, Commissioner
30 Burt, to Council about considering this. There is a value put on the medical offices and I don't
31 want to repeat everything that has been said before certainly but there have been instances of
32 offices converting to housing to an extent that you would have never anticipated and could
33 actually be detrimental to the community. So I just wanted to say that I think Council should
34 take a serious look at this whether we should allow housing in the MOR.
35

36 Just one quick comment too. I just want to say something I have been very cognizant of tonight
37 is that City Attorney and other Staff have been very helpful in these discussions as they have
38 interjected, raised their hands, to be value added to our discussions. I can't tell you how much I
39 appreciate that.
40

41 Vice Chair Packer: Thank you.
42

43 Mr. Lusardi: You can make that recommendation to the Council that the Council give Staff that
44 direction and the Council can give Staff that direction but I just want to be very clear that that
45 will not happen until after the Zoning Ordinance is over, the timing of it all. I just want to make
46 that clear as far as the workload issue goes.
47

1 Vice Chair Packer: I want to throw my two cents in. I am not going to waive that flag. I am
2 keeping my flag down because I believe that we are guided by the Housing Element and the
3 issue of encouraging the conversion of non-residential lands to residential use. We are guided by
4 the fact that we have had this ability in our zoning ordinance from day one and residences
5 haven't happened in the MOR. There was a threat for a while and it got squashed but I don't
6 think that we should at this point raise that there is a need to eliminate residential at all in that
7 district. I think it would be contrary to Housing Element, which is part of the Comprehensive
8 Plan, and I don't really see the need. It is just to drastic a step so I am not going to waive that
9 flag and I just want to go on record.

10
11 Commissioner Lippert: I want to support Bonnie's comment here. I think it is very important
12 and I want to leave the Commission with a certain integer feeling which is that this is area, the
13 Welch Road/Sandhill parcel that we are talking about here, really has the ability to develop a
14 very, very livable community in terms of having housing, shopping and work all within
15 proximity of each other. Stanford has already said that Stanford West Housing is really
16 developed, as a way of meeting the housing needs for staff and faculty. It may not be operating
17 as that but the senior component being directly across from shopping and in close proximity to
18 the hospital and now this Welch Road area and the MOR having the ability to be a connection
19 between all of those I think really has the ability to make this into a really very vibrant new
20 neighborhood in Palo Alto.

21
22 Commissioner Burt: If we don't have a consensus to raise a red flag we have comments in the
23 minutes and the Council can hear what we had to say. We do have a separate question of what
24 RM zoning we think should be allowed within the MOR district. That is consistent with what we
25 were just taking up previously in the RP district but that is something that we should be making a
26 recommendation on tonight. So we have that decision to make.

27
28 Vice Chair Packer: Do you want to propose that we try the transitional RM-15 for that district?

29
30 Commissioner Burt: My inclination would be to put an RM-15 restriction on the MOR district.
31 So before I make that as a motion I want to get a sense of the Commission.

32
33 Vice Chair Packer: I personally don't think it is necessary. Once you are within 150 feet it
34 might cover the whole district it is such a narrow area and there aren't any low density.

35
36 Commissioner Burt: It is much wider than 150 feet.

37
38 Vice Chair Packer: That could be but I don't know. You may end up with such a small area for
39 the RM-30 that it might not work. Also, there may not be a need because I don't know that there
40 is any low density nearby. So it maybe just

41
42 Commissioner Burt: Well, we have two different reasons that we might... I think you are
43 transposing the reason that existed in the RP area. In this case there may be a different
44 motivation for the RM-15 restriction and that is to not create a greater incentive to convert these
45 medical offices to residential because the return on investment for the RM-30 is higher than for
46 the RM-15. It would reduce the incentive to convert those if we had an RM-15 restriction.

47
48 Vice Chair Packer: Karen.

1
2 Commissioner Holman: I appreciate the intentions and I know it is to reduce the incentive. My
3 quandary here is that the physical development standards of RM-15 are not as compatible with
4 the MOR development standards. So it is a quandary. I appreciate the intention I think I would
5 have to have some physical example or examination of how compatibility would play out.
6
7 Vice Chair Packer: Just for a moment, this is a good discussion but it is ten to ten and I don't
8 know that we are going to get to the east side tonight and still be awake. I am concerned because
9 we have the June 6 date to bring this ordinance to the Council. Do we have another option to
10 continue this to another meeting?
11
12 Ms. Grote: You could continue it to a special meeting.
13
14 Vice Chair Packer: A special meeting. I need to stop and do this now because it is ten to ten and
15 then we can continue our discussion.
16
17 Commissioner Lippert: The 19th.
18
19 Ms. Grote: That is not a usual meeting night but it is an open Wednesday if you want to
20 continue it to that date.
21
22 Vice Chair Packer: Will that still give you enough time to get the ordinance to Council?
23
24 Mr. Williams: The 18th is next week.
25
26 Vice Chair Packer: It is the 18th that is a Wednesday.
27
28 Mr. Lusardi: If you complete the Stanford side tonight and make a recommendation on that we
29 will start the changes in the ordinance with respect to that. That will give us enough time if you
30 come back next week and give us direction to finish.
31
32 Vice Chair Packer: What may also be helpful if especially some of the issues on the housing
33 maybe our discussion on that may be applicable to the west side and Phyllis would have the
34 benefit of our discussions. I don't know if it is possible to even have our minutes.
35
36 Mr. Larkin: Actually it would be not recommended to do so.
37
38 Vice Chair Packer: Not recommended, that's right. But we may repeat some of our concerns to
39 the extent they may apply to the east. Okay, so is May 18th the day that we would continue this?
40 Is this a date that the Commissioners are available? And Staff?
41
42 So can we continue our discussion but have a motion to continue or do we have to do it at the
43 end? I wanted to continue our discussion on the RM-15 for MOR.
44
45 Mr. Larkin: I think if it is the consensus that it is preferable to continue the second matter after
46 you completed this. You can't get to the east side until we finish the west.
47

1 Vice Chair Packer: We will complete the west side tonight and then we will continue the east
2 side to May 18 to a special meeting.
3
4 Mr. Larkin: I think if the Commission is comfortable we can inform the Chair that she can go
5 home.
6
7 Vice Chair Packer: She can't because I am driving her.
8
9 Mr. Larkin: But the motion to continue can't happen until the west side has been completed
10 unless there was a motion to continue the west side as well.
11
12 Vice Chair Packer: Okay, I just wanted to know where were we going with that. Now I will
13 bring the discussion back to where we were with the MOR residential issue. Michael.
14
15 Commissioner Griffin: I want to ask Staff to help clarify this now. As it exists today in your
16 recommendation we are at RM-30. Am I saying that correctly?
17
18 Mr. Lusardi: Right.
19
20 Commissioner Griffin: I tend to be empathetic to Commissioner Holman's point of view here
21 that while indeed downsizing would have the desired affect that we have been discussing here
22 this is a tricky are and I am not sure that I am really comfortable with playing with the zoning
23 density for the RM component and I would feel better leaving it as it is and coming back another
24 day if we wish to do further tweaking. So I am saying leave it as is.
25
26 Vice Chair Packer: I am of the same inclination to leave it as it is.
27
28 Commissioner Burt: Question. Do we have another day? This is our shot and I agree that I
29 don't feel entirely comfortable feeling like we are rushing into a decision on this either. Curtis
30 raised a good issue and suddenly we realized that was something that we hadn't really been
31 considering and facing for the ramifications but unfortunately I don't think we have another day.
32 This is our primary shot. This has gone to the Council once, it has come back to us, and this is
33 probably our last shot under the Zoning Ordinance Update to make a decision one way or
34 another on what we recommend to Council.
35
36 Vice Chair Packer: Michael.
37
38 Commissioner Griffin: Okay, I hear that. I am also thinking that the housing that is nearby is
39 not low density, the campus west housing is RM-40 and consequently I am not particularly
40 enthusiastic about down-zoning it in the face of the proximity of this higher zoning.
41
42 Commissioner Burt: In this case in my mind my purpose would not be a transition objective.
43 My purpose would be to try to reduce the likelihood that we would lose the medical office.
44
45 Vice Chair Packer: I just want to go around and see what everybody's sense is. Lee.
46
47 Commissioner Lippert: I am in agreement with both Commissioner Holman and Commissioner
48 Griffin in their comments that if there was a Housing Element I would not want to see a lower

1 density. It may be inevitable that multi-family housing does trump medical or is developed in
2 conjunction with medical.

3
4 Vice Chair Packer: One more thing and I think Pat I am counting heads and I think we see
5 where this is going.

6
7 Commissioner Holman: I said earlier that I was in a quandary and my quandary didn't have to
8 do with the Housing Element because well Commissioner Burt said something earlier about too
9 much of a good thing and I have framed it sometimes as sometimes being singly focused and to
10 have a healthy vital community we need to be more than singly focused. While housing is so
11 very important and we have a jobs/housing imbalance I think we can also go too far in one
12 direction whether it is housing or whatever that is. Thinking about this and hearing other
13 Commissioner's comments I am persuaded that I think it would be advisable to recommend
14 Council to consider reducing the RM-30 to RM-15. The reason is because it would foster
15 support of the medical offices and also because my concern was about physical compatibility of
16 development but if the potential is less with a lower zoning opportunity I think that
17 incompatibility would be less likely to happen and that the medical offices would stay. So I
18 would actually and I have to come down on one side or the other and I am coming down on the
19 side of RM-15 being preferable to RM-30.

20
21 Commissioner Burt: Well, first I would like to make one more quick point too. Out of the
22 concern for the Housing Element we just finished changing the zoning in the RP district from
23 RM-30 to RM-15 and we never had this concern in that district. Why is this suddenly an
24 overriding concern here? RM-15 is still moderately dense housing. We are not damaging our
25 housing opportunities in any significant way I don't think because partly it has never been, it is
26 not within the Housing Element, identified as an area that has been intended for housing. In fact,
27 four years ago we had the Council very specifically refute a proposal to take those transitional
28 areas, some of those border areas of this district, and rezone them for housing and it was an
29 emphatic no. So the argument that this proposal is inconsistent with the Housing Element first it
30 is still retains the opportunity for housing and second the Council was very clear that this was not
31 an area that they were targeting for housing.

32
33 Vice Chair Packer: Okay. Pat would you like to make a motion?

34
35 MOTION

36
37 Commissioner Burt: Yes. I will make a motion that the MOR district have an RM-15 limitation
38 on housing that would be allowed within it.

39
40 SECOND

41
42 Commissioner Holman: Second.

43
44 Vice Chair Packer: Would you like to speak to it or do you think you have already done it.

45
46 Commissioner Burt: I think I have covered the ground.

1 MOTION FAILS (2-3-0-2, Commissioners Burt and Holman voted yes, Commissioner Griffin,
2 Lippert and Packer voted no and Commissioners Cassel and Bialson absent due to conflict)

3
4 Vice Chair Packer: Okay, we will have a vote on Pat's motion. All those in favor? (ayes) I
5 have two in favor. All those opposed? (nays) So Lippert, Packer and Griffin voted nay and
6 Burt and Holman voted aye on the motion so it fails. We also have to absences due to conflicts
7 of interest.

8
9 Okay, are there any other topics we wish to raise on the west districts considering it is ten
10 o'clock and we have to finish this tonight?

11
12 Commissioner Lippert: Okay.

13
14 Commissioner Holman: I would like to get to some resolution of how to deal with the
15 performance standards and the development standards and the compatibility of those given the
16 performance standards are coming back to us later. Understanding that we don't have analyses
17 in front of us that address what the noise impacts or the revised noise ordinance which is a long
18 time coming and overdue in coming but we also have issues of fumes here and something that
19 our noise ordinance has never addressed is ambient noise. So I would just go back to my earlier
20 comments saying that allowing all of these types of equipment on roofs, they are allowed there
21 now, yes, but is that a good thing? I don't know that it is. So allowing it now without that
22 information I would at a minimum suggest that we have opportunity to readdress the
23 development standards for this kind of equipment when the performance standards come back to
24 us rather than approving the development standards now but impacts that are truly not fully
25 disclosed to us at this point.

26
27 Vice Chair Packer: In order to facilitate a resolution of how we feel on this would you like to
28 make that in the form of a motion?

29
30 Commissioner Holman: I would do that.

31
32 Vice Chair Packer: That way we can see how it stands.

33
34 MOTION

35
36 Commissioner Holman: Okay. I move that we have opportunity when the performance
37 standards come forward to us for these zones that we are addressing at the moment having to do
38 with lighting, visual, noise, fumes and all the performance standards that we at that same time
39 have opportunity to readdress development standards having to do with placement of such
40 equipment.

41
42 Vice Chair Packer: Is there a second?

43
44 SECOND

45
46 Commissioner Griffin: I will second it.

47
48 Vice Chair Packer: Do you want to speak to it, Karen?

1
2 Commissioner Holman: I think I really already have. I don't think I need to anymore.
3
4 Vice Chair Packer: Michael.
5
6 Commissioner Griffin: I concur with Commissioner Holman that this is a worthwhile subject to
7 delve into in more detail than we have up until now. I think it has great impacts on residential
8 communities and I support that kind of investigation.
9
10 Vice Chair Packer: John, you had something?
11
12 Mr. Lusardi: A recommendation on the motion is that you might want to add to that motion the
13 reason we don't have the performance standards completed yet is we need to work them through
14 the Architectural Review Board who has the expertise to look at these details. You might want
15 to add to that motion that the Architectural Review Board looks at the placement of the
16 equipment in the context of the performance standards to address noise and odor issues as well.
17
18 Commissioner Holman: I am happy to incorporate that whether or not we also have an
19 environmental consultant that we have had on board. I presume information would be coming
20 from the environmental consultant as well.
21
22 Mr. Larkin: Before we get too much farther rather than making a motion the preferred method
23 would be that you make a request to Staff to explore this as part of the questions because there
24 has been no notice that the performance standards would be addressed at this time. So rather
25 than making a motion a request for Staff to bring forward the proposal would be more
26 appropriate.
27
28 Commissioner Holman: But I am not suggesting that we look at the performance standards at
29 this time though. My motion addresses the development standards that are in front of us.
30
31 Mr. Larkin: If you are asking that it be incorporated in the zoning ordinance then that is different
32 but that is not what I heard. So maybe if you could restate it.
33
34 Commissioner Holman: Okay, I will restate a motion that you have already seconded, what is
35 the process for that?
36
37 Commissioner Burt: Just restate it.
38
39 Commissioner Holman: I would move that when the performance standards come back to the
40 Planning Commission with input from the environmental consultant...
41
42 Mr. Larkin: That is actually the language I am concerned about because the performance
43 standards aren't before you yet so
44
45 Commissioner Holman: Let me finish.
46
47 Mr. Larkin: So don't move that when the performance standards come back because we are not
48 talking about the performance standards yet.

1
2 Commissioner Burt: How would you recommend that she phrase the intent?
3

4 Mr. Larkin: Well, the recommendation would be to make a request of Staff to come back. So
5 instead of framing it as a motion you can make the same motion but do it as a request of Staff
6 instead of a motion.
7

8 Vice Chair Packer: What I think Karen is concerned about is if we recommend approval of this
9 ordinance with its development standards and it gets approved by Council but then when we look
10 at the performance standards later and say oh my gosh, we have these development standards
11 that we are stuck with because that is approved but because of the performance standards I am
12 not happy with the development standards she would want the opportunity to play with it or go
13 back and reconsider the ordinance.
14

15 Commissioner Holman: You nailed it Commissioner Packer, absolutely.
16

17 Vice Chair Packer: I don't know if I agree with it but I can state it.
18

19 Commissioner Burt: So how can we address that within the context of approval or our
20 recommendations on the ZOU elements before us tonight?
21

22 Mr. Larkin: As long as you are not taking action requesting something specific in the
23 performance standards – it is a chicken and egg dilemma.
24

25 Ms. Grote: Could the motion just then be flipped to say that the Commission would have an
26 opportunity to reevaluate the development standards especially with regard to placement of
27 mechanical equipment once performance standards have come before you and been addressed?
28 Could that motion be made?
29

30 Mr. Larkin: Yes.
31

32 Commissioner Holman: I am happy with that, thank you Lisa.
33

34 Vice Chair Packer: So now that is Karen's motion as done by Lisa and accepted by the
35 seconder. You don't want to speak to it because you have already spoken.
36

37 Commissioner Holman: I think you spoke very well to it.
38

39 Vice Chair Packer: I described to it. Other Commissioners, would you like to weigh in on this?
40

41 Commissioner Lippert: I think it is prudent. I think it is important. I think that it will validate
42 what we are trying to accomplish here more than diminish it.
43

44 Vice Chair Packer: I have a question for Staff. Would the review of the performance standards
45 would that come before the final Zoning Ordinance Update? This set of districts is going to go
46 before Council and get approved and be standalone or is it part of the big picture of the rest of
47 the ZOU? The low density residential was approved and that is done and I just wondered at what

1 point would we be coming back to review the development standards and is that going to create
2 an unreasonable delay in getting the whole Zoning Ordinance Update?
3

4 Mr. Lusardi: The answer is is what we are asking the Commission to recommend to the Council
5 is that they adopt the industrial and R&D chapter as a standalone chapter that will become
6 effective with Council's action. The performance standards are a separate chapter. It is part of
7 the overall Zoning Ordinance Update so we do need to look at the performance standards. I
8 don't think there is any question about that. What we have here is the performance standards are
9 both industrial and commercial so that is why they are not here with the industrial or by
10 themselves because we also have to look into it. But you will be seeing a chapter on
11 performance standards for industrial and commercial and there will be an opportunity then to
12 look visit the development standards that you are just recommending on tonight at the same time.
13

14 MOTION PASSED (4-1-0-2, Commissioner Packer voting no and Commissioners Cassel and
15 Bialson absent due to conflicts)
16

17 Vice Chair Packer: Okay, thank you. Are we ready to vote on this? All those in favor of
18 Karen's motion say aye. (ayes) All those opposed say nay. (nay) The reason I say nay is
19 because I think it should be done. It is always a moving target and at some point we have to say
20 it is done. So we have Commissioners Holman, Griffin, Burt and Lippert voting in favor,
21 Commissioner Packer voting against and Commissioners Bialson and Cassel absent due to
22 conflict.
23

24 Commissioner Burt: Do we need a motion to address the remainder of our agenda tonight?
25

26 Vice Chair Packer: Yes, are we ready? Would you like to? Let me just ask are there any other
27 issues to bring up or are we ready to go to the motion that would encompass, I just want to make
28 sure we got everything, that would encompass everything else on the west districts?
29

30 Commissioner Lippert: I just want to make sure of one thing that I think is pretty important. I
31 will ask this of Staff. With regard to making the differentiation between R&D and office space
32 we still have a cap on the amount of development office space in the total Research Park, do we
33 not?
34

35 Ms. Grote: It is no cap but the Council has asked that Staff monitor it.
36

37 Commissioner Lippert: Okay. Let me tell you what my concern is and the reason why I am
38 raising this at this point. I don't have a problem with R&D having office space associated with it
39 and counting it as R&D space. In fact, I think it is stated that you could actually have a company
40 out there in the Research Park, a rather large company, have all office space and call it R&D.
41 That is not a concern of mine. My concern is certain other offices displacing the R&D
42 component completely and that is one of my big concerns.
43

44 Commissioner Burt: The problem is that the Commission made a recommendation to Council
45 that we have a constraint like that and the Council instead requested that Staff monitor but not
46 constrain the amount of office space. So they refuted our recommendation.
47

1 Commissioner Holman: I am happy to reassert Commissioner Lippert's point and the rule is you
2 zone for what you want. I am fully in support of Commissioner Lippert's comment and I
3 understand that Council did make its decision but it doesn't do any harm for us to put it out there
4 again that it is still a concern that at least two of us have.
5

6 Commissioner Burt: Question. What is the frequency that Staff is going to be reporting this?
7

8 Ms. Grote: Annually.
9

10 Commissioner Burt: Is that the same annual as the Sandhill traffic report?
11

12 Ms. Grote: We haven't set a date for when the annual reporting will begin. I am assuming it
13 will be shortly after approval of the revised ordinance.
14

15 Commissioner Lippert: You see that is something that could be incorporated into the Planning
16 Commission's annual report and could make sure that it happens.
17

18 Vice Chair Packer: Does anybody want to make a motion on this subject?
19

20 Commissioner Holman: I just have one more comment which is at the moment this may not be
21 the most urgent of concerns but I would say that again to speak to you zone for what you want is
22 that once a trend gains momentum it is that much more difficult to put a restriction in place
23 because the momentum already exists.
24

25 Commissioner Burt: On our previous item where we were looking at the medical office versus
26 medical research the Council had kind of given two directives, which were subsequently found
27 to be incompatible. That made it much more appropriate for us to go back and make a single
28 recommendation to Council. In this case I think I have to lean in the direction even though I
29 supported the Commission originally on the restriction that I am going to be inclined to follow
30 the Council's directive on this. If in a year's time we see a trend that we are concerned with I
31 will be supportive of raising a flag at that time and fighting that battle when it comes.
32

33 Commissioner Holman: If I could just ask the question. If a report comes back in a year, two
34 years, three years and there is a trend that we are not in support of and would be in support of
35 taking an action or making a recommendation at that time why not make the recommendation
36 now so that we don't have the concern in the future?
37

38 Commissioner Burt: Well, I guess my answer would be that we don't have the confirmation
39 either of the trend or that it has exceeded the 25% limit that Stanford was putting on and that we
40 were advocating. The other point I would make is that at the time part of our debate on whether
41 to recommend the 25% limit ourselves was a question of whether it was unnecessary given that
42 Stanford has that as a practice of their own. I ended up feeling that if they had it why not include
43 it in our own regulations and that would still be my preference but it reduces how acutely I am
44 concerned over it. For that reason I am not going to support reasserting a recommendation of
45 that restriction to Council.
46

47 Vice Chair Packer: This issue I want to remind Commissioners we had many meetings on this
48 issue. We discussed this a lot amongst ourselves so I don't think we need to re-discuss it at this

1 point. Also I think this was well heard in front of City Council and that I guess was maybe prior
2 to public comments and their concerns about how to administer this and there were many reasons
3 why they decided to strike it. So I am inclined to go with the Council direction. Lee.

4
5 Commissioner Lippert: Well, again I mentioned this earlier in the evening which is that this is a
6 way of having a discussion with Council in which they have taken what we have proposed or
7 recommended in the past, have amended it and have kicked it back to us in terms of the next go
8 around. It is a way for us to either reinforce or amend some of those ideas. What I am thinking
9 is a way of having sort of a check and balance might be by simply putting in there an annual cap
10 by which the Research Park can't grow more than a certain percentage of office space per year.
11 That way you are able to monitor how quickly this happens and have the ability to then step in
12 and be able to make modifications to the ordinance or the City Council has an opportunity to
13 react to it. But we see how quickly the world turns in terms of LM zones being turned into RM
14 or having RM on it. That is happening very, very quickly. If that had been a negative we would
15 be bailing just like every other crisis that this City has faced. What I am saying is that we have
16 the ability to send a recommendation back to Council that simply says, okay, you want to
17 monitor this well we propose putting a growth cap per year so that if it begins to become a
18 runaway train we have a way of dealing with it.

19
20 Vice Chair Packer: John.

21
22 Mr. Lusardi: If I just could interject just to give you a little background as to why the Council
23 took the action they took is first of all the 25% restriction on office was born out of the dot.com
24 boom really when there was a real fear that office would overtake everything including
25 commercial uses. The housing today is a different world with that respect to the market. The
26 housing market is extremely strong in the city. I don't think it is a good comparison of how the
27 office market would be in that context. Secondly, Stanford already had this kind of an oversight
28 and cap that they maintain. They have never exceeded the 25% cap. I think they are at 19%
29 right now. So we feel that the annual monitoring gives us enough insight or enough to raise the
30 flag if it is happening. Thirdly, we would much rather take I think the position of building in
31 incentives like we did for R&D and biotech in order to protect. Then I think lastly to really be
32 honest the 25% cap restriction I think created a fear about R&D companies coming into the
33 Research Park and facing further limitations on how much office they are going to have. So I
34 think there was a fear about Stanford's ability to market itself as a good R&D park as well.

35
36 Commissioner Burt: I would just like to add one other item that was part of our discussion a year
37 or so ago when we reviewed this. One of the reasons for being concerned about restricting office
38 was that the greater density of occupancy that exists in office versus R&D. It is all the traffic
39 impacts and other impacts were greater with office. What we came to recognize at the time is
40 that software is virtually indistinguishable from office in terms of density. Even though the
41 software is properly categorized as R&D the practical impact is indistinguishable so capping the
42 office doesn't do anything to necessarily address the concerns on the traffic impacts given that
43 we have a strong trend toward greater software as well. So in terms of that objective of trying to
44 cap office in order to mitigate traffic impacts it really doesn't serve that purpose. That was
45 another reason that it was somewhat of a borderline decision I think for myself and others on the
46 Commission at the time. Putting all those factors together that is why in this case I am inclined
47 to go along with the Council's recommendation and let's look at the monitoring.

1 Vice Chair Packer: Do you want to make that motion? It is 20 after ten.

2
3 Commissioner Burt: Okay, I will make a motion. I guess in fairness if fellow Commissioners
4 would – rather than me try and ramrod through the main motion if fellow Commissioners still
5 want to make another motion we should give an up or down opportunity on it.

6
7 Vice Chair Packer: On the office limitation?

8
9 Commissioner Burt: Yes.

10
11 Vice Chair Packer: Does anybody want to do that or do you think our discussion would be
12 sufficient.

13
14 Commissioner Lippert: I will let it go.

15
16 MOTION

17
18 Commissioner Burt: Okay so then I would like to make an overriding motion that incorporates
19 all the previous motions that have been voted on by the Commission tonight and includes them
20 within a recommendation to Council that we approve the portions of the proposed ordinance first
21 adopting the revised definitions in Chapter 18.04, second adopting all provisions of the new
22 Chapter 18.20 which are office, research and manufacturing districts pertinent to medical office
23 and medical research park districts and the research park five sub-district and then finally
24 deleting the current Chapter 18.37 which is office research district, the current Chapter 18.60
25 which is limited industrial/research park district and the current Chapter 18.63 which is limited
26 industrial site combining district.

27
28 SECOND

29
30 Commissioner Lippert: I will second that.

31
32 Vice Chair Packer: Okay. Do you want to speak to your motion?

33
34 Commissioner Burt: No, thank you.

35
36 Commissioner Lippert: The lease said the better.

37
38 MOTION PASSED (5-0-0-2, Commissioners Cassel and Bialson absent due to conflicts)

39
40 Vice Chair Packer: Are there any comments from Commissioners on Pat's motion? I hear none
41 are we ready for a vote? All those in favor say aye. (ayes) Opposed? None and we have two
42 abstentions so we have five, zero and two absences. Well Commissioner Holman, Griffin,
43 Packer, Burt and Lippert voted yes.

44
45 Thank you very much Commissioners.

46
47 Commissioner Holman: One other comment please. Just a quick thank you to Staff because as I
48 mentioned earlier in addition to appreciating very much your informational input earlier I also

1 very much wanted to acknowledge that the Staff Report with the inclusion this time of
2 Comprehensive Plan and how that had been considered in the Comprehensive Plan EIR and also
3 the inclusion of the next steps as a part of the Staff Report I think were very helpful to have
4 included. So I wanted to thank you very much for doing that.

5
6 Mr. Larkin: A couple of things. Number one the Chair has to close the public hearing.

7
8 Vice Chair Packer: Yes, I would like to close the public hearing on the Zoning Ordinance
9 Update regarding the west districts of MOR, RP and RP(5). We will continue ...

10
11 Mr. Larkin: Actually, before the other part of it is continued there is one final caveat. Once this
12 decision is made final at the end of this hearing there can be no reconsideration of any of the
13 items discussed in the previous motions and it will go to Council as is and so if anybody is
14 having any regrets now is the time.

15
16 Vice Chair Packer: Well we can chase Phyllis out of the room. No we can't do that. So do I
17 need to have a motion to continue the rest of the item, the eastern districts, to a special meeting
18 of May 18, 2005?

19
20 MOTION

21
22 Commissioner Griffin: I so move.

23
24 SECOND

25
26 Commissioner Lippert: Second.

27
28 MOTION PASSED (5-0-0-2, Commissioners Cassel and Bialson absent due to conflicts)

29
30 Vice Chair Packer: So Michael moved and Lee seconded. All those in favor say aye. (ayes)
31 Opposed? None. So that will be continued to next week. We will go east of El Camino Real.

32
33 Now our Chair is back. Would you like to continue the rest of the meeting, Phyllis?

34
35 Chair Cassel: The next item on the agenda is Reports From Officials.

36
37 *REPORTS FROM OFFICIALS.*

38
39 Ms. Grote: I just wanted to announce that we are going to cancel the August 10, 2005 regular
40 meeting. Then that would mean that there would be one meeting in August and that is August
41 21st. That is the last Wednesday in August.

42
43 Chair Cassel: Then we have Commission Member Questions, Comments and/or
44 Announcements. Bonnie.

45
46 *COMMISSION MEMBER QUESTIONS, COMMENTS, AND/OR ANNOUNCEMENTS.*

1 Vice Chair Packer: May 24th is the grand opening of the Oak Court Apartments at 4:30. I don't
2 know if you received an invitation yet but that should be a fun event.
3
4 Chair Cassel: Did you want to report on Council actions that you have done so far this month or
5 last month?
6
7 Vice Chair Packer: I think the Mayfield Agreement was approved.
8
9 Ms. Grote: It was approve at first reading and the second reading will be Monday night the 16th,
10 this coming Monday.
11
12 Chair Cassel: And you are going to go on Monday?
13
14 Commissioner Griffin: Yes.
15
16 Chair Cassel: Are there any other comments or announcements?
17
18 We have approval of minutes for April 13, 2005.
19
20 APPROVAL OF MINUTES: *Minutes of April 13, 2005.*
21
22 Chair Cassel: *Can someone move those minutes?*
23
24 MOTION
25
26 Commissioner Burt: *So moved.*
27
28 Chair Cassel: *Thank you. Can I have a second?*
29
30 SECOND
31
32 Vice Chair Packer: *I will second.*
33
34 MOTION PASSED (6-0-0-1, Commissioner Bialson absent)
35
36 Chair Cassel: *Any changes or corrections? All those in favor please say aye. (ayes)*
37
38 NEXT MEETING: Special Meeting of May 18, 2005.
39
40 Chair Cassel: I will adjourn this meeting to the Special Meeting next week at seven o'clock in
41 either this room or the Council room. You will notify us.
42
43 Thank you very much.
44
45 ADJOURNED: 10:30 pm